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THE
DIPLOMATIC CORRESPONDENCE

OF THE

UNITED STATES OF AMERICA,

FROM THE SIGNING OF THE

DEFINITIVE TREATY OF PEACE,

3^d

10TH SEPTEMBER, 1783,

TO THE

ADOPTION OF THE CONSTITUTION, MARCH 4, 1789.

BEING

THE LETTERS OF THE PRESIDENTS OF CONGRESS, THE SECRETARY FOR FOREIGN
AFFAIRS—AMERICAN MINISTERS AT FOREIGN COURTS, FOREIGN MINISTERS
NEAR CONGRESS—REPORTS OF COMMITTEES OF CONGRESS, AND REPORTS
OF THE SECRETARY FOR FOREIGN AFFAIRS ON VARIOUS LETTERS
AND COMMUNICATIONS;

TOGETHER WITH

LETTERS FROM INDIVIDUALS ON PUBLIC AFFAIRS.

Published under the direction of the Secretary of State, from the original Manuscripts in the
Department of State, conformably to an Act of Congress, approved May 5, 1832.

VOL. I.

CITY OF WASHINGTON:
PRINTED BY BLAIR & RIVES.
1837.

Extract from an Act of Congress, approved May 5, 1832, entitled "An Act making appropriation for the support of Government for the year one thousand eight hundred and thirty-two."

"To enable the Secretary of State to cause to be printed, under his direction, a selection from the Diplomatic Correspondence of the United States, between the peace of one thousand seven hundred and eighty-three and the fourth of March, one thousand seven hundred and eighty-nine, remaining unpublished in the Department of State, twelve thousand dollars."

EDITION IN THREE VOLUMES,
Published by John C. Rives,
1855.

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INTRODUCTION.

ANY remarks on the propriety of publishing a Diplomatic Correspondence, which from its very nature is supposed to be confidential, would seem to be unwarranted in one exercising the ministerial duty of editing it, if the law imposing the duty had not also prescribed that of selecting those parts which ought to be published. The only instruction given to the officer to whom this duty was assigned, was in the act making appropriations for the support of Government for the year 1832, in these words: "To enable the Secretary of State to cause to be printed a selection from the Diplomatic Correspondence between the peace of 1783, and the 4th March, 1789, remaining unpublished in the Department of State, 12,000 dollars."

No rule being given to the Secretary for his guide in making this selection, it would seem to have been trusted entirely to his discretion, if a previous resolution of Congress for a similar purpose, and the publication made under it had not given good reason to believe that nothing more was intended than a continuation of the work heretofore published. On the 27th March, 1818, Congress passed a resolution directing, among other things, that the *foreign correspondence* of the Congress of the United States from the first meeting thereof, down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year 1783, be published under the direction of the President of the United States, except such parts as he may deem it improper at this time to publish. The publication under this resolution was entrusted by the President to Mr. Jared Sparks, a gentleman every way qualified for the task, and the public are now in possession of twelve volumes, containing the

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interesting correspondence directed to be published. The intention of Congress in making the appropriation above recited could not be mistaken. The beginning of the correspondence it directs to be published is the end of that selected by Mr. Sparks. It is then a continuation of the same correspondence; subject, however, to the same exception of such parts as may be deemed improper at *this time* to be made public. But the first part contains, with very few exceptions, the whole of the correspondence during the period to which it was confined; and this course received, not only the sanction of the President, by whose direction it was prepared, but has met the general approbation of the people, whose representatives in Congress have been furnished with copies of the work. It is, therefore, fair to conclude, that in directing the continuation of Mr. Sparks's work, Congress intended that the same principles should govern the selection. Very few parts, therefore, of the correspondence have been suppressed; and none that could throw any light on the diplomatic history of the entire period designated by the law. Mr. Sparks's collection gives a full view of our first efforts to procure the recognition of national character by foreign Powers. It is, perhaps, the most interesting. We were then striving to sustain ourselves in the situation among the nations of the earth, which, unsupported except by our own courage and patriotism, we had assumed. The advances were to be made with prudence, but with firmness; our national character was to be developed; our credit to be established; our statesmen at home, and our negotiators abroad had entered an untried and difficult path, but they advanced in it with no little skill, and a success that is almost miraculous, when the difficulties they had to encounter are considered. The first series details their difficulties, shows the perseverance and firmness with which they were conquered, and leaves us at the period when our independence was reluctantly acknowledged by our former sovereign, as it had been before by the other principal Power of Europe. The second series, contained in the ensuing volumes, exhibits our foreign relations in a different attitude. While the war continued, we were more united at home by the necessity of defence, and more respected abroad by the relation of ally, in which we stood to the other Powers against a common enemy. On the signature of the treaty of peace, we stood alone, and were thrown on our own resources to maintain a national character, and to support our credit by providing for the

foreign and domestic debt we had incurred. This could only be done by reestablishing our ruined navigation and commerce; but all the other nations were in the same situation. Each was endeavoring to gain, by some exclusive privilege in commerce, an advantage over the others. Add to this the low state of our national and individual credit, and a hostile feeling towards us on the part of the most commercial nation in the world, which had naturally survived the long and successful struggle we had made against her, and some idea may be formed of the difficult task our diplomatists had to perform during this second period, in their attempts to form commercial connexions with the different Powers of Europe; a difficulty increased, too, by the natural distrust of the power of Congress to bind the States to the performance of the stipulations they might make. (a) These reflections are made to account for the extent to

(a) A proof of this distrust is found strongly expressed in a letter from the Duke of Dorset to Mr. Adams, in answer to an overture for negotiating a treaty of commerce. The only action of the General Government at that time upon the States being by recommendations, the want of confidence was natural, although not very civilly expressed; and in point of fact no treaty of the kind could be concluded with Great Britain until after the powers of the General Government were enlarged.

FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

PARIS, *March* 26, 1785.

Gentlemen,

Having communicated to my Court the readiness you expressed in your letter to me of the 9th of December to remove to London, for the purpose of treating upon such points as may materially concern the interests, both political and commercial, of Great Britain and America, and having, at the same time, represented that you declared yourselves to be fully authorized and empowered to negotiate, I have been, in answer thereto, instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested; whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. A committee of North American merchants have waited upon his Majesty's principal Secretary of State for Foreign Affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of Congress could avail in any respect where the interests of any one individual State was even concerned, and particularly so where the concerns of that particular State might be supposed to militate against such resolutions as Congress might think proper to adopt.

The apparent determination of the respective States to regulate their own separate interests renders it absolutely necessary, towards forming a permanent system of commerce, that my Court should be informed how far the Commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual.

I have the honor to be, &c.,

DORSET.

which the discretion given by the law has been carried, of publishing all the correspondence that was not deemed improper *now* to be published. Nothing has been deemed improper that would throw any light on transactions, of which the future historian of our country, or the biographer of any of the illustrious men who ought to figure in the annals of their country, may avail themselves.

The first Secretary for Foreign Affairs, Robert R. Livingston, had resigned the office about the time that this correspondence began. The fidelity and talent of that gentleman was acknowledged by Congress,^(b) and the order and punctuality he introduced into the department by all his successors. On his retirement from the office, it was left unfilled for some months, during which time the diplomatic correspondence was carried on directly with Congress, the instructions being given by the President, and the despatches of the Ministers of the United States abroad, as well as the communications of the foreign Ministers here, being addressed to him. It was under this arrangement that the present collection began, and was continued until the 21st day of December, 1784, when Mr. Jay entered upon the duties of the office, to which he had been appointed. During this first period, therefore, the correspondence reassumed the same irregular character, which had thus attended it previous to the appointment of Mr. Livingston; much method and strict attention to the details of our foreign affairs could not be expected from one charged with the duties of presiding officer of a body exercising the numerous functions which the Congress of the Confederation performed; yet the letters of that time, both from home and abroad, have very great interest. In the position the country had so lately assumed, the operation of the Government, its efficiency, its stability, were to be the foundation of the respect it wished to inspire abroad. The experiment was to be tried of conducting a Government with-

(b) *Extract from the Journals of Congress, June 4, 1780.*

"Mr. Livingston having signified to Congress his desire of relinquishing the exercise of the Office of Foreign Affairs, and his intention of returning to the State of New York,

"*Resolved*, That the Secretary of Congress be directed to receive the papers of the said office into his care till a successor to Mr. Livingston can be appointed; and that next Wednesday be assigned for the election of a Secretary for the Department of Foreign Affairs.

"*Resolved unanimously*, That the thanks of Congress be presented to Mr. Livingston for his services during his continuance in office; and that he be assured Congress entertain a high sense of the ability, zeal, and fidelity with which he had discharged the important trust reposed in him."

out hereditary rank, without an established church, without a standing army, and upheld only by the will of the people. We had been aided by France, but even there the privileged orders began to perceive how fatal to them would be the triumph of our principles. In England we had few friends, and all the other Governments of Europe were either indifferent to our existence, or even unfavorable to our independence. In this state of things, it became highly important that our agents abroad should have full information of what passed at home, that they might correct false representations, lessen the injurious effect of unfavorable events, and give publicity to all those which evinced the strength of our union and value of our commerce. Hence we find that the communications from Congress to the Ministers contain authentic accounts of occurrences now little adverted to, but which then excited great interest, and some of which bear with great force on questions which now agitate the public mind. Thus, some of the first letters of the President of Congress to our Commissioners detail the circumstances of an occurrence which proved to demonstration the utter inefficiency of a Government purely Federal, to protect itself from insults, and even to preserve its existence against the most insignificant force. Congress sat in Philadelphia, then the largest city in the Union; it was also the seat of the State government; a few hundred mutinous troops marched into the city, and invested the hall of Congress, threatening vengeance if their claims were not complied with; and that body, after applying in vain to the authority of the State for protection, had no alternative but to adjourn, first to Trenton and afterwards to New York, where they remained until the present Constitution was organized, and for a short period afterwards.(c) This event, and others of the same nature, showed the weakness, and every day's experience the inefficiency, of the Confederation for preserving a national character. Our Ministers abroad, who sorely felt the degradation into which the want of that character was plunging us, very naturally made that

(c) That provision in the present Constitution of the United States which gives to "Congress the exclusive legislation, in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States," was probably suggested by a recollection of the mutinous conduct referred to, and by the want of any direct power or authority under the Confederation in the old Congress, to repress or punish that or any other outrage against itself or its individual members.

topic the subject of many of their despatches, and the suggestions of Jefferson, Adams, Jay, and other of their cotemporary worthies, cannot be referred to without interest and instruction at the present day, when we are called on to appreciate the value of the Union.

Other important points in our history, which are still unsettled, come within the compass of this collection. The correspondence on the subject of our northeastern boundary, the projects of commercial treaties with France and other Powers. But a close inspection of all that was then proposed discovers nothing that we need fear to expose to the world; the same principles of perfect reciprocity, the same disavowal of any desire to obtain exclusive advantages, but to confine our claims to the enjoyment of a fair and free competition that characterize our present policy, will be found in our earliest diplomacy. And the officer charged with that duty has, therefore, in editing the papers, found nothing of importance that he has judged "*improper now to be published.*" But, although there was little to retrench, it is not so certain that much which ought to have appeared has not been lost. The irregularities and accidents inevitable in a bureau which has no responsible head, will, in a great measure, account for this during the period between the resignation of Mr. Livingston and the appointment of Mr. Jay. The last-mentioned gentleman, to his other high qualifications for the office, added the same talent for method and order in business that distinguished his predecessor; and the periods of their direction present no interruptions in the usual course of the correspondence. But another cause has combined with that before alluded to, to render a strict compliance with the evident intention of Congress; in making this publication difficult, if not impossible. The confused state in which the papers prior to the establishment of the Constitution is, is such as to make it hazardous in any officer to declare that a paper does not exist in the department, although, after strict search, it should not be found. The mass is so great, and the number of clerks allotted to the department so fully employed with its ordinary business, that no arrangement of the old papers can take place without some express appropriation; and without such arrangement it depends greatly on chance to discover any particular paper that may be sought for in the mass. This has been, by the present head, repeatedly brought to the notice of Congress, but without any result. And it is adverted to here for his justification, if here-

after some document which ought to have appeared in this collection should be discovered, when provision shall be made for arranging the old papers according to subjects and dates, binding them in proper book, with a catalogue *raisonné* of all, and an index to each.

In the classification of the correspondence now published, that of countries has been preferred, and has been preserved as far as was possible. Ministers in one country having been frequently charged with business relating to another, that division has not been always practicable ; but, on the whole, the commencement and progress of our relations with each country, during the period contained in this collection, will generally be found under its proper head.

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<u>Monsieur Otto to John Jay. New York, September 28, 1785..</u>	<u>182</u>
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<u>Monsieur Otto to John Jay. New York, November 28, 1785..</u>	<u>184</u>
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<u>John Jay to Monsieur Otto. November 28, 1785.....</u>	<u>189</u>
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Monsieur Otto to John Jay. New York, December 19, 1785..	199
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<u>John Jay to the President of Congress. April 24, 1786.....</u>	<u>235</u>
<u>Transmits the letter of Monsieur de la Forêt, and the extract of a letter from the Mareschal de Castries.</u>	
<u>Monsieur Otto to John Jay. New York, June 27, 1786.....</u>	<u>235</u>
<u>Reminds Mr. Jay of a promise made to solicit the ratification of the consular convention as soon as nine States should be assembled. Conversations with members of their Congress. Their reasons for delay. Begs that the affair may be submitted to Congress, and some resolution obtained that Consuls may be informed of the extent of their powers.</u>	
<u>John Jay to Monsieur Otto. July 3, 1786.....</u>	<u>236</u>
<u>Letter of the 27th June received. Remembers the conversation, but of a different import. Action upon M. Otto's letter of the 18th April. Will transmit to the President of Congress the letter of the 27th June, and will return any they may be pleased to direct without delay. Believes Mr. Jefferson will assign satisfactory reasons for the delay to his Majesty.</u>	
<u>Monsieur Otto to John Jay. New York, July 6, 1786.....</u>	<u>237</u>
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<u>John Jay to the President of Congress. October 9, 1786.....</u>	<u>237</u>
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<u>Monsieur Otto to John Jay. New York, October 9, 1786</u>	<u>239</u>
<u>Requests the resolution which Congress may have taken concerning the consular convention, with a view to transmit it to his Court.</u>	
<u>John Jay to Monsieur Otto. October 12, 1786.....</u>	<u>239</u>
<u>Letter of Monsieur Otto communicated to Congress. Is instructed to reply "that their communications will be officially made through their Minister resident at Paris, and that they do not think it necessary to accept his polite offer."</u>	
<u>Monsieur Otto to John Jay. New York, October 23, 1786....</u>	<u>239</u>
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<u>The King of France to Congress. July 9, 1786.....</u>	<u>240</u>
<u>Communicating the intelligence of the birth of a Princess.</u>	
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<u>Monsieur Otto to John Jay. New York, December 21, 1786..</u>	<u>241</u>
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<u>From the same to the same. New York, October 23, 1786...</u>	<u>241</u>
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<u>John Jay to Monsieur Otto. New York, November 2, 1786...</u>	<u>242</u>
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<u>Monsieur Otto to John Jay. New York, November 3, 1786...</u>	<u>242</u>
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<u>Monsieur Otto to John Jay. New York, May 20, 1787.....</u>	<u>243</u>
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CORRESPONDENCE OF THOMAS BARCLAY.

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<u>Benjamin Franklin to the President of Congress. Philadelphia, November 29, 1788.....</u>	<u>430</u>
<u>Requesting the settlement of his accounts, which have been three years before Congress. It having been asserted in the newspapers that he is indebted to the United States.</u>	

CORRESPONDENCE OF JOHN ADAMS.

<u>John Adams, Minister Plenipotentiary at the Hague, to the President of Congress. The Hague, March 9, 1784.....</u>	<u>435</u>
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Visit of the Baron Thulemeier, Minister from the King of Prussia. Overture of the King. Commercial arrangements proposed. Reply of Mr. Adams. Can act only in concert with Messrs. Franklin and Jay. Will answer for their good disposition. Writes to Dr. Franklin and Mr. Jay. Answer received. They are persuaded of the pleasure of Congress. No commission to conclude a treaty, yet are willing to prepare a draft. Articles may be discussed on the principles of the treaties with Holland and Sweden. Another letter from the King. Letter from Paris satisfactory. Articles of merchandise enumerated. Submits to Congress the propriety of being vested with full powers to conclude a treaty. Money obtained to pay Mr. Morris's bills. Contract will be transmitted to Congress. Terms high, but no alternative between that and protesting the bills.

<u>Extract from the Secret Journal, February 1, 1785. Ratification of the loan contract made by Mr. Adams</u>	<u>437</u>
<u>John Adams to the President of Congress. The Hague, March 27, 1784.....</u>	<u>438</u>

Encloses three notes from the Prussian Minister. Treaty with Sweden adopted as a model. Asks for instructions to accompany the commission. Existing instructions inadequate to conclude—can only confer. Difficulty apprehended about the signature, a majority of the Ministers being in Paris. A promise of money sufficient to save the financier's bills. Causes of the high terms. Ways and means provided by impost for the payment of interest would soon give better credit. Mode of confuting calumnies proposed. Note from Baron Thulemeier, March 14, 1784, asks for a copy of the treaty with Sweden, p. 439. Note from the same, March 25, 1784, gives information of the articles of future commerce, p. 439. Note from the same, March 25, 1784, gives a statement of the private affairs of Sieur Christian Ravenhorst, p. 441. Interference of Mr. Adams requested to procure a copy of the will, &c.

<u>From the same to the same. The Hague, April 10, 1784.....</u>	<u>442</u>
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Encloses the copy of a letter from Baron Thulemeier, and project of a treaty. Hopes for the action of Congress, with instructions and powers to treat. Letter of Baron Thulemeier, with the proposition for a treaty sent by the King. Interview requested. Description of linens. Project of the treaty, pp. 443-453.

<u>From the same to the same. The Hague, April 22, 1784.....</u>	<u>453</u>
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Had received a letter from an American complaining that English Bishops refused ordination unless the oaths of allegiance were taken. Inquiry made of the Danish Minister whether orders might not be received in Denmark. Reply of Mons. de St. Saphorin, p. 454. Extract of a letter from the Count Rosencrone, p. 454.

<u>Extract from the Secret Journal of Foreign Affairs, March 21, 1785.....</u>	<u>455</u>
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<u>John Adams to the President of Congress. The Hague, May 13, 1784.....</u>	<u>455</u>
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Inquires in what light M. Dumas is to be considered. Duplicate of the Prussian treaty approved by Messrs. Jay and Franklin.

<u>From the same to the same. The Hague, May 13, 1784.....</u>	<u>456</u>
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Probable connexion between Holland and France. Mistaken policy of England. Conduct of the Emperor and King of Prussia. Some of the provinces favorable to a treaty with France. A war will produce an alliance. War probable. Jealousy of the two Imperial Courts and House of Bourbon. Difficulty of commanding money the best security for peace. Views of the Emperor. Conduct hitherto just and beneficial. If he should live, together with the Empress of Russia, a few years, or until England obtains the command of money, a general war probable.

<u>From the same to the same. The Hague, May 14, 1784.....</u>	<u>457</u>
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Fermentation in the Courts of the two Empires and those of Bourbon. Questions of etiquette. Death of the Bishop of Liege. Consequences of the expected election.

From the same to the same. The Hague, June 7, 1784.458

Paper received from the Baron Thulemeyer enclosed. The Baron's letter and the King's answer. Treaty ready for signature. The Baron desirous of perfecting the business, wherefore hopes that instructions and authority will be despatched without delay to conclude. Observations made by Mr. Adams on the project of a treaty of amity and commerce between the King of Prussia and the United States, pp. 459-463. The King's modifications.

From the same to the same. The Hague, June 22, 1784.463

Thinks that he has heretofore advised Congress of the opinion of Foreign Ministers that letters should be written to each of the sovereigns of Europe upon the establishment of independence. Advice lately repeated. Precedent given, and now the proper time. Sketch of what the letter should contain, and mode of transmission. The answers beneficial, and in what manner.

Report of Secretary Jay on the letter of John Adams, June 22, 1784.464

John Adams, Minister Plenipotentiary of the United States, to the President of Congress. Auteuil, near Paris, October 20, 1784. .465

Encloses letters from M. Dumas. Affairs of Holland. Union of parties. War commenced, if the language of the Count Belgioso is to be taken literally—guns having been fired. Room for negotiation during the winter. France will endeavor to reconcile. If she does not succeed will eventually side with Holland, wherefore conduct of the English a problem. Still room to hope for peace. If it is not preserved apprehends a general war. The object of the Emperor useful to America. Prime Minister to England, his powers contrasted with his duties.

From the same to the same. Auteuil, near Paris. November 3, 1784.467

Letter of the Count de Vergennes communicated by Dr. Franklin on the subject of French loans. Fearful that Mr. Morris may draw on Amsterdam for the interest. Protest of drafts to be expected. From the situation of France sees no hope of Dr. Franklin obtaining relief from that Court. Debts of the United States. Demands for money. How to be satisfied. Fortunate if means are provided. Otherwise evil consequences. Holland the only country where we can borrow, and not there unless our foreign debt is funded. Adequate funds for paying interest will create further credit. Reasons for not offering an opinion as to the mode. Letter from bankers at Amsterdam. Ratification of the last loan not received. Hopes it will be transmitted as early as possible. Appropriation of the last half million sterling obtained in Holland. Encloses copies of papers from Mons. Dumas, with answers. Recommendation of that gentleman. Paper of Mons. Dumas, p. 469. Questions answered by Mr. Adams, p. 470.

Extract from the Secret Journal of Foreign Affairs, January 20, 1785.470

John Adams to John Jay, Secretary of Foreign Affairs. Auteuil, near Paris, December 15, 1784.470

Addresses Mr. Jay as Minister of Foreign Affairs in the hopes of his having accepted that office. Emperor of Morocco. Demands on Holland. Effect upon vessels of the United States. Danger of erring with regard to the Mediterranean trade. Contrariety of opinions as to its value, and mode of treating the Barbary States. Futility of waging war with Algiers unless the maritime Powers of Europe would unite for that purpose. Inquires for the means of purchasing peace. Before attempting to borrow more money in Holland must provide for the payment of interest of old debts. Subject worthy the attention of Congress.

John Adams to the President of Congress. Auteuil, near Paris, January 10, 1785.....472

Informs of the success of the Dutch loan. Amelioration of credit will enable to treat with the Barbary Powers and pay the interest of the French loan. Wishes instructions. Letter on this subject from the Count de Vergennes. Salaries of foreign Ministers whether to be paid. Prays for explicit instructions on that head. Inquires if a new loan shall be opened. Will regret the necessity. Injurious effect of foreign loans.

Report of Secretary Jay on Mr. Adams's letter of January 10, 1785.....474

John Adams to John Jay. Auteuil, near Paris, March 9, 1785, .475

Congratulations upon the appointment of Minister of Foreign Affairs. Slow progress of negotiations. Causes of delay. Urges the transmission of the ratification of the last Dutch loan. Balance of money in the hands of the Dutch bankers. Inquiries with regard to the tribute paid to Algiers by Sweden and Holland. Difficulty of forming supplementary treaties with France, Sweden, and Holland. Causes thereof. Remonstrances of the French merchants against opening the colonial trade. Success of the French fisheries attributable to the alliance with America. Extravagant pretensions of merchants; their partial views. England will not treat at Paris. Spain equally averse. Congress can determine the proposition of treating at St. James or not. State of Europe critical, but does not think the Emperor will urge on a war.

Messrs. Willink & Co. to John Adams. Amsterdam, January 6, 1785.....477

Statement of account. Expect orders for the disposition of the balance.

Extract of a letter from Messrs. Willink & Co. Amsterdam, February 2, 1785.....478

Discourage attempts at future loans. Advert to the non-payment of the interest of former loans. Ratification of the last loan contract not received. Various loans open in Holland. Money becomes scarce, of course. If another year Congress wish to pay off the French loan by borrowing in Holland, would be pleased to give again satisfaction.

John Jay to John Adams. New York, February 11, 1785....479

Encloses the ratification of the loan contract entered into March 9, 1784. Resolution of Congress to send a Minister to the Court of London. Requests an opinion on the affairs of the Foreign Office. Demand the surrender of M. Longchamps. Exchange of Ministers with Spain contemplated.

John Adams to John Jay. April 13, 1785.....480

Mentions the subject of former letters. Affair of the Barbary States and Mediterranean trade. Entertains a different view from those who speak lightly of the latter. Expects to negotiate with Algiers through the French Consul. Congress will ultimately send Consuls to sign treaties and make presents. Spain will not treat at Paris; danger of proceeding to Spain. Recommends a different distribution of foreign Ministers. Proposition of England to exchange Ministers. Secret wish of the English Ministry. Advises the measure. No selfish design—assigns reasons to show the propriety. Dangerous tendency of things to involve us in war with England, which is to be deprecated at this time. His system a simple one; explains at length. Expectations of Congress and the people of America not answered by the state of negotiations at Paris. Wish to return home.

John Adams to John Jay. Auteuil, near Paris, April 24, 1785..483

Replies to Mr. Jay's letter of the 11th February. Asks instructions with regard to new loans. Minister to England; importance and necessity of the measure. Difficulties of the situation, and its important bearing upon the politics of Europe. Remarks upon the fulfilment of the treaty by the

American States. Recommends to fulfil it in all its parts, and particularly with regard to the refugees. An example to England for the punctual execution on their part. Regrets the demand for the delivery of Longchamps. Thought his punishment satisfactory. The demand not justified by the law of nations where there is no convention.

John Adams to John Jay. Auteuil, near Paris, May 4, 1785..485

Acknowledges receipt of Mr. Jay's letter of 18th March, with commission, &c., to the Court of Great Britain. Is pleased with the appointment of a new Minister to the Hague. Delicacy of his situation with regard to the Court of the Netherlands. Necessity of a formal leave there, and with the Court of Versailles. Five or six weeks must elapse before he can proceed to London. Instructions agreeable. Importance of the trust. Prospect of success not encouraging. America will have performed her duty. Discriminating duties of New York and Rhode Island. Remarks thereon. Mr. Jay's letter of the 15th March. Mr. Smith not personally known, but will receive every regard and attention due to his situation.

John Adams to John Jay. Auteuil, near Paris, May 5, [erroneously printed May 3,] 1785.....487

The English boast of their having monopolized the American trade. Their ability and mode of effecting it. The competition of other nations a failure. Much exaggeration in their boast, at the same time too much truth. The success of the mission will depend upon the careful investigation of Congress and their instructions on this subject. Negotiations fruitless if England can enjoy, under her own partial regulations, the profits of our commerce. Americans should turn their attention to the subject. Refrains from the discussion of the question what powers should be delegated to the Confederacy touching commerce. Present mischiefs and inconveniences from want of unity. Propriety of calling upon the States for information respecting imports and exports since the peace. Difficulty of maintaining the Union without some general repository of the commercial interests. Mode of counteracting the selfish policy of England. High and discriminating duties upon British luxuries. "*He always negotiates till who is not in a condition to make himself feared.*" Measures must be taken by the people. Our army no terror. Proud of their navy, and disregard ours. Their experience lost upon them. No other means of making an impression than by commercial regulations.

John Adams to John Jay. Auteuil, near Paris, May 7, 1785..489

Expects to be in London by the end of the month. Observations on taking leave of the Court of the Netherlands. Asks authority to draw upon Holland for salaries. Application of Mr. Jefferson for money and drafts upon Amsterdam. Orders of Colonel Humphreys for medals and swords met by drafts on the same bankers. Hopes for the approbation of Congress. Severity of cold in Europe. Failure of crops. Probable effect upon American productions.

John Adams to John Jay. Auteuil, near Paris, May 8, 1785..491

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CORRESPONDENCE OF THE JOINT COMMISSIONERS AND MINISTERS PLENIPOTENTIARY, JOHN ADAMS, BENJAMIN FRANKLIN, AND THOMAS JEFFERSON, FOR THE FORMATION OF TREATIES OF AMITY AND COMMERCE WITH FOREIGN POWERS.

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THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES.

VOL. I.—1

THE
DIPLOMATIC CORRESPONDENCE
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FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE MINISTERS
PLENIPOTENTIARY OF THE UNITED STATES AT PARIS.

Philadelphia, 16th June, 1783.

Gentlemen,

I am sorry to inform you that by the resignation of Mr. Livingston, as Secretary for Foreign Affairs, it has become necessary that you should receive the resolutions of Congress, relative to your mission, through my hands. The disadvantage arising from this necessity, until a successor to that worthy gentleman is appointed, will be yours, as it will be impossible for me to do more than barely transmit the acts of Congress necessary for your information.

Enclosed you have one of the 1st of May last, and another of the 12th instant, which I hope will get to hand time enough for your government.

The commission and instructions referred to in the first not being ready, it was thought best to forward the resolution without delay, that you might know what was intended in the present important period of your negotiation.

We have been much surprised that we have not received any com-

munication from you, since the cessation of hostilities, except a letter of the 5th of April, from Mr. Laurens.

I have the honor to be, &c., &c.,

E. B.

Extract from the Secret Journal of Congress, May 1st, 1783.

“A letter having been read from the Minister of France to the Secretary of Foreign Affairs, requesting him to inform Congress of the proposed departure of the Duke de Lauzun’s legion, and other detachments of Count Rochambeau’s army, for France, and expressing with the Duke de Lauzun, the sense that he and the other officers and men of this army entertain of the harmony which has subsisted between them and the inhabitants of these States, and of the hospitality with which they have been treated by them,

Resolved, That the Secretary for Foreign Affairs inform the Minister of France that Congress learn with pleasure the satisfaction which the Duke de Lauzun, and the officers and men of the French army in America express, in the harmony which has subsisted between them and the inhabitants of these States, since it exhibits at the same time a strong proof of the good disposition and discipline of the commanders, officers, and men, and the just sense the people of this country entertain of the important services they have rendered—

As a further proof of which,

Resolved, That the Secretary for Foreign Affairs inform the Duke de Lauzun, and the officers and men under his command, that the United States in Congress assembled are highly sensible of their successful exertions in the cause of America, and of the strict attention which they have at all times paid to the rights of its citizens; and whilst they rejoice at the events which have brought tranquillity to these States, it adds to their pleasure to reflect that it restores those who have been active in procuring it to their friends and their country.”

Resolution, June 12th, 1783.

“*Resolved*, That every foreign minister, on his being admitted to his first audience, shall be introduced by the Secretary of Foreign Affairs to a seat provided for him facing the President of Congress;

the President and members being seated, and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister, being seated, shall deliver his letter of credence to the Secretary of Congress by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the Secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its original language, and then present a translation of it to the Secretary of Congress, who shall read the same. Upon which the President, after reading his answer uncovered, shall deliver the same to the Secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the Secretary for Foreign Affairs.

If the minister is of the rank of ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case, too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent public audience of a foreign minister, the same ceremonial shall be observed, except so far as it relates to the delivery and reading of the credentials.

Every foreign minister, after his first audience, shall pay the first visit to the President and other members of Congress."



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &C., AT PARIS.

Philadelphia, 18th June, 1783.

Sir,

Enclosed you have an official letter, directed to our Minister Plenipotentiary at Paris.

The resignation of the late Secretary for Foreign Affairs (occasioned by his preference of the Chancellorship of New York, which he could not hold longer and retain his Secretaryship) has cast this business on me till a successor is elected, which I hope will speedily take place.

As part of the resolution of Congress of the 12th instant, enclosed in the above letter, is of a secret nature, I have written it in cyphers ; and not having Mr. Livingston's, I thought it best to use Mr. Morris's to you, which he has obligingly supplied me with, so that the Commissioners must be indebted to you for the deciphering of it.

Your letter to Mr. Livingston of the 15th of April, enclosing the two medals, came to hand this morning. I am sorry to find that you make similar complaints to those we have been making for two months past, on the subject of want of intelligence. We have not heard from any of our Commissioners since February, though our anxiety and expectations have been wound up to the highest pitch.

I feel myself much indebted for your polite compliment of the medal—it is very elegant, indeed ; and the device and workmanship much admired. You will please to accept of my acknowledgments on this occasion. As I doubt not but the copper one was intended for Mr. Livingston, personally, I shall transmit it to him. He is a very worthy, deserving character, and the United States will suffer greatly by his resignation, though I really think him justified in attending to the calls of his private affairs.

I enclose you a number of late newspapers, in which you will see a number of resolves, associations, &c., from all parts of the country, which I wish had been kept out of sight ; but the truth is, that the cruelties, ravages, and barbarisms of the refugees and loyalists have left the people so sore, that it is not the time yet for them to exercise their cooler judgment ; and it cannot take place while the citizens of New York are kept out of their habitations and despoiled daily of their property, by sending off negroes, &c. It has been an ill-judged scheme in the British to retain New York so long and send off the negroes, as it has roused the spirit of the citizens of the several States greatly.

I have the honor to be, &c.,

E. B.



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE MINISTERS
PLENIPOTENTIARY OF THE UNITED STATES AT PARIS.

Princeton, 15th July, 1783.

Gentlemen,

As Congress have not yet elected any Minister for Foreign Affairs,

and knowing the importance of your being fully informed of every public transaction relative to these States, I have concluded that you would not think it amiss to hear from me on the subject of the removal of Congress to this place, though I cannot consider this communication as official, but merely for your information in my individual capacity.

The state of our finances making it indispensably necessary to abridge the public expenses in every instance that would not endanger the Union, we concluded to reduce the army by discharging all the soldiers enlisted for the war, with a proportionate number of officers, on condition that the discharge should operate no otherwise than as a furlough, until the ratification of the definitive treaty. This not only eased us of a heavy disbursement of ready cash for subsistence, money, and rations, but gratified many of the army, who wished to be at home in the early part of the summer, to provide for the following winter. Three months' pay was ordered, which could no otherwise be complied with, but by a paper anticipation of the taxes, payable in six months.

By an inevitable accident the notes did not arrive at the army till six days after the soldiers were discharged and had left the camp. This, together with some difficulty in settling their accounts, created an uneasiness among the troops; but by the General's address and good conduct of the officers, they all retired peaceably to their different States, though without a single farthing of cash to buy themselves a meal of victuals.

In the barracks at Philadelphia and at Lancaster, in the State of Pennsylvania, there were a number of new recruits, who had been enlisted since the months of December and January last, and who had not yet taken the field; these soldiers, not having been brought under any regular discipline, made many objections against accepting their discharges, and gave their officers reason to fear some difficulty in getting rid of them; but the Secretary at War thought he had satisfied them by assuring them of the like pay with the rest of the army. On the 15th of June, a petition was received from the Sergeants, requiring a redress of their grievances, in a very turbulent and indecent style, of which no notice was taken; but on the 18th we received the letters No. 1 and 2. A committee was immediately appointed to confer with the Executive Council of Pennsylvania, and to endeavor to get them to call out the militia to stop the mutineers;

but to no purpose ; the Council thinking that the citizens would not choose to risk themselves, when fair means might do. The first report of the committee, contained in No. 3, will show their proceedings. On the 19th the troops arrived, and joined those at the barracks in the city, who had been increased in number by a few companies of old soldiers arrived the day before from Charlestown. The whole being very orderly and quiet, Congress adjourned on Friday, the 20th, as usual, till Monday morning. On the 21st, one of the committee called on me and informed that the soldiers at the barracks were very disorderly, and had cast off the authority of their officers—that it was suspected they had a design, the following night, against the Bank, and advised me to call Congress without delay. This I did, to meet in half an hour. The soldiers by accident hearing of it, very fortunately hastened their designs a day or two sooner than was intended. The members of Congress had just got together, except one, when the State House (in which, also, the President and Supreme Executive Council were then sitting) was surrounded by about three hundred armed men, with fixed bayonets, under the command of seven Sergeants. Congress immediately sent for General St. Clair, and demanded the reason of this hostile appearance, who informed of his having just arrived in town from his seat in the country, in obedience to the orders of Congress of the day preceding ; that he had received information from the commanding officer of the mutinous disposition of the troops, who had marched from the barracks contrary to the orders of their officers, and that the veteran troops from Charlestown had been unwillingly forced into the measure. The President of the State then appeared, and produced the insolent paper, of which No. 4 is a copy, which had been sent to him by the Sergeants.

Congress determined they would enter on no deliberations while thus surrounded ; but ordered General St. Clair immediately to endeavor to march the mutineers back to the barracks, by such means as were in his power.

After several prudent and wise measures, the General prevailed on the Sergeants to return to their barracks, convincing them that if they were aggrieved they had a right to make it known in a decent manner, through any persons they might think proper to appoint. But previous to this, after waiting, surrounded by this armed force for near three hours, Congress broke up, and we passed through the files of

the mutineers without the least opposition, though at times before our adjournment, the soldiers, many of whom were drunk, threatened Congress by name.

The mutineers had taken possession of the powder house and several public arsenals in this city, with some field pieces from the public yard. In the evening Congress met and made a house, and came to the resolutions contained in No. 5, and broke up without adjournment. The committee, not being able to meet the Council till Sunday morning, were then prevailed on to wait for an answer till Monday morning, and then received the answer contained in the 2d Report, No. 6. However, hoping that the Council would change their sentiments, the committee did not think proper to give me their advice till Tuesday at two o'clock in the afternoon. In the mean time the mutineers kept in arms, refusing all obedience to their officers, and in possession of the powder house and magazines of military stores. On Tuesday morning the officers reported to me that the preceding evening, the Sergeants, notwithstanding some talk of a submission and return to their duty, had presented six officers with a commission, each as in No. 7, and on one refusing to accept it, they threatened him with immediate death. And that at the time of the Report, they were getting very drunk and in a very riotous state. By the second report of the Committee, you will be acquainted with the particulars of the transaction, with the addition that the behavior of the six officers was very mysterious and unaccountable. At two o'clock, agreeably to the advice of the Committee, I summoned Congress to meet at this place on Thursday, the 26th of June, issued the proclamation No. 8, and left the city.

As soon as it was known that Congress was going, the Council were informed that there was great reason to expect a serious attack on the Bank the night following; on which the President of the State collected about one hundred soldiers, and kept guard all night. On Wednesday it was reported that Congress had sent for the Commander-in-Chief, with the whole northern army, and the militia of New Jersey, who were to be joined by the Pennsylvania militia, in order to quell the mutiny; which was no otherwise true than ordering a detachment of a few hundred men from the North River. The Sergeants being alarmed, soon proposed a submission, and the whole came in a body to the President of the State, making a most submissive acknowledgment of their misconduct, and charging the whole

on two of the officers, whom they had commissioned to represent their grievances—a Capt. Carbery and Lieutenant Sullivan, who were to have headed them as soon as they should have proceeded to violence. These officers immediately escaped to Chester, and there got on board of a vessel bound to London. The Sergeants describe the plan laid by these officers as of the most irrational and diabolical nature, not only against Congress and the Council, but also against the City and Bank. They were to be joined by straggling parties from different parts of the country; and after executing their horrid purposes, were to have gone off with their plunder to the East Indies. However incredible this may appear, the letters from Sullivan to Colonel Moyland, his commanding officer, from Chester and the Capes, clearly show that it was a deep laid scheme. It appears clearly to me, that next to the continued care of divine Providence, the miscarriage of this plan is owing to the unexpected meeting of Congress on Saturday, and their decided conduct in leaving the city, until they could support the Federal Government with dignity.

It is also said that two of the citizens have been concerned in this wicked plot, but they are not yet ascertained. They were certainly encouraged by some of the lower class, as well as by the general supineness in not quelling the first movement. Some very suspicious circumstances attending the conduct of the other four officers, who were commissioned by the Sergeants, have caused them to be arrested. The whole matter has so far subsided.

The detachment under Gen. Howe, from the Northern army, has arrived in the vicinity of the city, and a Court of Inquiry is endeavoring to develop the whole affair.

The citizens are greatly chagrined at the predicament in which they stand, and endeavor to lay the blame on the Council for not calling on them and proving them, while the Council justify themselves by the advice of the militia officers, whom they called together for that purpose. The citizens are universally petitioning Congress to return to the city, assuring us of their constant protection.

You will excuse me for tiring you with so circumstantial an account, which nothing but the necessity of preventing the many falsehoods that are generally propagated on these occasions, and the propriety of your being well informed, would ever have justified me in.

I do myself the honor to send herewith the newspapers, and particularly a circular letter of Gen. Washington to the different States;

which, in my opinion, gives the finishing stroke to his inimitable character.

I have committed this letter to the care of my younger brother, who is bound for London, having been in the merchant service at that port for several years, but who, I have the best evidence, is well attached to the interests of this country, and who can inform you of many particulars relating to the state of things here.

I have the honor to be, &c.,

E. B.

LETTER FROM COLONEL WILLIAM HENRY TO HIS EXCELLENCY PRESIDENT DICKINSON.

Lancaster, June 17th, 1783.

Sir,

Eighty armed soldiers set off this morning for Philadelphia, to co-operate with those now in the city in such measures as may appear to them the most likely to procure their pay, (or perhaps to possess themselves of money at any rate.) I have thought it my duty to give the most timely information possible that the city may not be surprised. I am informed that part of General Armand's corps will be here to-morrow, on their way to Philadelphia, and am of opinion, from what has transpired from some of the men who are still here, that they will follow the others to the city and share the same fate; they have thrown out several threats, that they will rob the bank, the treasury, &c., &c.

I am, sir, your very humble servant,

WILLIAM HENRY.

LETTER FROM COLONEL RICHARD BUTLER TO HIS EXCELLENCY GOVERNOR DICKINSON.

Lancaster, June 17th, 1783, }
10 o'clock, A. M. }

Sir,

I yesterday received orders from Major General St. Clair to direct returns to be made out of those non-commissioned officers and soldiers that chose to go on furlough agreeably to the resolve of Congress of

the 26th of May, noticing such as do not wish to go. Also for pay rolls for the month of January, for which cash is to be paid, and other rolls for the month of February, March, and April, to be paid in Mr. Morris's notes in six months after date—and to inform the troops, taking or refusing furloughs is at their option, and that they were to remain till further orders, and to be settled with on the principles of the settlement with the main army. This I did without loss of time, in order to show that doubts which had arisen (and that had met with prompting from some unknown persons) had no foundation.

This morning the Sergeants called on me at my quarters, and informed me the men were determined to go to Philadelphia in order to obtain *justice*. I made use of every argument to show the impropriety of the measure, and they went away, as I thought, content, but soon after I was informed they were getting ready to go off in a body. I went to the parade with a number of officers, and Col. Samuel Atlee, who happened to be in town, formed a circle and talked to them as before, but to no purpose, the principal part of them went from their quarters about half past 8 o'clock, A. M.

I gave them every assurance of an immediate settlement and their being kept together till their settlement is completed, also of their paymasters, Lieutenants Beaty and Lytle, being sent to Carlisle for the necessary papers of the old 4th and 7th Regiments, who I expected back to-day—but the ill-timed heat had taken too great a hold of their minds for arguments to alter them—indeed I am of opinion it has originated in your city, and that the flame is supported by inimical or inconsiderate people.

I have called the officers together, who are of opinion that one should follow and make one more effort to bring them back; if this fails, I give it as my opinion, that no settlement be made with them till they return to the post, as it will be too great a condescension and encouragement to similar licentious and mutinous conduct, at a future day, to troops that may hereafter be raised, as well as too humiliating a measure for the officers to be obliged to follow them and attend to the settlement of business *there*, already offered and insolently refused *here*, and which the officers are much averse to. I have the honor to enclose a copy of the orders issued last evening, in order to show your Excellency and Council that no neglect or omission has been on the part of the officers.

I have assured the bearer, Lieutenant E. Butler, adjutant, that your

Excellency and Council will order the payment of his and Captain Chrystie's expence, he being the officer that follows the troops.

I have the honor to be, &c.,

RICHARD BUTLER,

Col. 3d P. Regiment.

P. S. Lieutenant Butler can inform of particulars fully.

ORDERS ISSUED TO THE TROOPS BY COLONEL BUTLER.

Lancaster, 17th June, 1783.

Non-Commissioned Officers and Soldiers of the 3d Pennsylvania Regiment.

In warmth men are sometimes led beyond the bounds of interest and propriety, both to themselves and their best friends, and attempts to reason, while the mind is agitated, often rather tends to inflame than calm the passions or opinions, whatever they may be. This I think was the case with you this morning. That I wished to do my duty to my country, as well as justice to you, whose fortunes have been long mine and your other officers, induced me to call a number of them together, by whose opinion and advice the bearers, Captains Chrystie, Walker, and Montgomery follow, in order to tell you their and my wishes, and to give you, once for all, our joint advice. We do our duty in doing it, and expect it will have that weight with you, on cool reflection, that with reasonable men it ought to have. You mentioned to me this morning, first—that you did not want furloughs. Secondly—that you wanted to be settled with before you are discharged. Thirdly—to be continued in service till these things are done. Measures were taken for settling your accounts before the arrival of the order of yesterday; returns directed to be made of those who chose furloughs, and those who did not, on their arrival; returns for clothing for those enlisted, and pay-rolls for one month's pay for January last, to be paid in cash, and rolls for three months' pay, to be paid in the Financier General's notes, with assurance of quarters and provision till this is completed.

This is once more offered to you, and it is strongly recommended for your own sakes, that you return to the post where your officers are, that your accounts, &c., may be completed, and that you con-

sider, the longer you are away the greater the difficulty and the longer they will be in doing. As the officers cannot think it their duty to follow men who will not take advice, but go from where their business can alone be done, for you cannot have your accounts settled without them and the pay-masters. Or do you imagine your appearance at Philadelphia can have any good effect in your favor, as it will be justly construed into *menace*, rather than a proper mode of seeking justice, after what is offered you.

You may easily offend your country, and by ill-judged measures preclude yourselves and others from that justice you wish for, and I think you may justly say the person or persons who advised the measure you have taken cannot ultimately be your friends.

The above is submitted to your reflection, and advice is added to the wish that you return.

I am sincerely your friend,

RICHARD BUTLER, Col. 3 P. Regt.

Report of the Committee of Congress, July 1st, 1783.

The Committee to whom were referred the letters and papers communicated to Congress by the Executive Council of Pennsylvania, through their Delegates, report,

That they had a conference yesterday, as directed, with the Supreme Executive Council, in which, in the first instance, the propriety of calling out a detachment of militia to intercept the mutineers on their march from Lancaster, was proposed to the Council, suggesting the danger of their being suffered with impunity to join the troops in the barracks, who a few days before had manifested a dangerous spirit, by an insolent and threatening message sent to Congress, in the name of a board of Sergeants, and who it was apprehended would be ready to make common cause with those on their march, for mutinous purposes. That the Council having shown a reluctance to call out any part of the militia, expressing an opinion that they would not be willing to act, till some outrage should have been committed by the troops, there appeared to the Committee no alternative but to endeavor to dissuade the mutineers from coming to town, and if they failed in that attempt, to make use of expedients to prevent the troops in the barracks from joining in any excesses, and to induce the detachment

from Lancaster to return to that place. That in this view, and at their desire, the Assistant Secretary at War met the detachment then on its march to the city, and endeavored to engage them to return to the former place, urging the considerations contained in the annexed instructions to him; but the said detachment persisted in their intention of coming to this city, and arrived here this morning. That upon conferring with the Superintendent of Finance they find there is a probability that the Paymaster-General, to whom the settlement of the accounts of the army has been committed, and who having all the documents in his possession, can alone execute the business with propriety, will shortly arrive from the army, and will immediately enter upon a settlement with the troops in this State, that in the meantime measures will be taken to prepare the business for a final adjustment. That there will be immediately sent to Lancaster a sum of money to be paid to the troops on account of the month's pay heretofore directed to be advanced to them, the payment of which has hitherto been delayed by particular circumstances, together with notes for three months' pay intended to be advanced to the men when furloughed.

That they have desired this information to be transmitted to the commanding officer here and at Lancaster, with this declaration, that the corps stationed at Lancaster, including the detachment, can only be settled with or paid at that place.

The Instructions to Major Jackson.

Sir,

Information having been received, that a detachment of about 80 mutineers are on their way from Lancaster to this place, you will please to proceed to meet them, and to endeavor by every prudent method to engage them to return to the post they have left. You will inform them of the orders that have been given, permitting them to remain in service till their accounts shall have been settled, if they prefer it to being furloughed, and of the allowance of pay which has been made to the army at large, and in which they are to be included. You will represent to them that their accounts cannot be settled without their officers, whom they have left behind them at Lancaster. You will represent to them with coolness, but energy, the impropriety

of such irregular proceedings, and the danger they will run by persisting in an improper conduct. You will assure them of the best intentions in Congress to do them justice, and of the absurdity of their expecting to procure it more effectually by intemperate proceedings. You will point out to them the tendency which such proceedings may have to raise the resentments of their country, and to indispose it to take effectual measures for their relief. In short, you will urge every consideration in your power to induce them to return, at the same time avoiding whatever may tend to irritate. If they persist in coming to town, you will give the earliest notice to us of their progress and disposition. Should they want provisions, you will assure them of a supply, if they will remain where they are, which you are to endeavor to persuade them to do, in preference to coming to town.

(Signed)

A. HAMILTON,
In behalf of the Committee.



TO THE HONORABLE JOHN DICKINSON, ESQUIRE, PRESIDENT, AND THE
HONORABLE EXECUTIVE COUNCIL OF THE STATE OF PENNSYLVANIA.

May it please your Excellency
and the Honorable Council,

We, the non-commissioned officers and soldiers in garrison, have been told by General St. Clair, that the Executive Council was much exasperated at our proceedings before the State-house last Saturday: We beg leave to acquaint your Excellency and Honorable Council, that the soldiers in garrison were very much alarmed, and their minds inflamed on hearing the expressions of some gentlemen who came into the garrison the preceding evening, whom they suspected were sent by a higher power to inveigle the soldiers to accept conditional discharges, without a regular settlement, as a particular gentleman, in company among those who visited the garrison that evening, was pleased to say that the soldiers would in a few days be happy, as they would receive one month's pay, which would carry them home in a genteel manner. Many of us have from one to five hundred miles to our former places of residence, and many of us have families, some two, and some three or four children.

May it please your Excellency and the Honorable Council coolly and candidly to deliberate on the generous expressions of that honorable gentleman, in the hearing of a number of those very sons of liberty who have freed their country from tyranny, and secured America's independence and honorable peace. Your Excellency and Honorable Council will please to be assured that we who preside now at the head of this matter, *were* not, previous to the assembling of the troops last Saturday; but dared not stay behind in the garrison, as we thought our lives *were* in danger, and we are in great hopes that your Excellency and Honorable Council are all impressed with an idea that our appearance with them was very conducive to prevent mischief which you were all little aware of. We also beg leave to declare that we were so far from withdrawing from under the immediate command of our officers, that we drew up a remonstrance, and humbly solicited Colonel Hampton to command as usual, and to punish all military neglects in us, but hoped (nay, we did insist) that we would not be prevented from seeking our rights in a becoming manner. And, had not that particular gentleman, before mentioned, spoke as he did, the troops would not have assembled.

May it please your Excellency, &c.

We submit our reasonable requests to your candid consideration.

First. By the gentlemen officers in committee, and board of non-commissioned officers of the garrison.

We request one half of our pay due us on the date of our discharges—the fourth month's now dealing out to each man, we think is unfair, as some have not been five months enlisted, while others have three years' pay due, and served the country in its necessity—Glory be to God, we survive.

Second. The balance that may be due to us after our receiving, as before mentioned, we desire such certificates for, with lawful interest, as will specify when to be redeemed; and not such ones as we have before this been put off with; and so, if in necessity, by sickness or other unavoidable misfortune, be necessitated to sell them (perhaps) to those who have experienced nothing of the fatigues of the war, for two shillings per twenty.

Third. We expect our small articles in rations promised to us at the beginning of the war, and cut off since, shall be made up to us; all deficiencies of clothing, &c., to be settled for.

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Fourth. That we receive patents for the lands due to us with our discharges, and his Excellency's gratuity.

Fifth. That all those soldiers discharged from headquarters already, may be thought on, agreeable to their merit, and those to be discharged also, particularly those who have lost a limb.

Sixth. That the settlement here requested may extend to all the soldiers belonging to the Pennsylvania line, wherever they may be in the United States.

Seventh. That the troops who have come from Lancaster may be put on an equal footing as soon as possible, and, if there be occasion for their enlistments from Lancaster, that they be sent for without murmur.

These are all the requests your hardy veterans have to make. We think them our right, and we hope to obtain them; and should the public need our services again, we declare to sacrifice our most endearing connections to serve them.

In behalf of the non-commissioned officers and soldiers in garrison.

JAMES BENNETT.

LETTER FROM JAMES BENNETT TO THE PRESIDENT OF THE EXECUTIVE COUNCIL.

May it please your Excellency,

We, the board of Sergeants, appointed by the troops now in garrison, to lay our grievances before your Excellency and Council, are alarmed to hear your Excellency and the good citizens of this State are under apprehension that the troops intend taking some desperate steps, and likewise, that they were determined to attempt the bank in this city.

We beg leave to inform your Excellency, that nothing of this kind was ever intended by us; and do declare, that if any thing of that nature has taken place, it is contrary to our wishes or knowledge, and that we will immediately endeavor to find out such persons as have been guilty, if any there be, and bring them to punishment.

We are your Excellency's most obedient servants,

Sent by order of the board of Sergeants,

JAMES BENNETT.

May it please your Excellency,

We, the Sergeants forming the committee in garrison, representing the non-commissioned officers and soldiers, now, are extremely sorry for any irregularities that have happened ; for which we most sincerely beg your Excellency's and Council's pardon, together with all worthy citizens.

By order of the board of Sergeants,

JAMES BENNETT.

Resolution of Congress, June 21st, 1783.

“Resolved, That the President and Supreme Executive Council of Pennsylvania be informed, that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

Resolved, That the Committee on a letter from Col. Butler, be directed to confer, without loss of time, with the Supreme Executive Council of Pennsylvania, on the practicability of carrying the preceding resolution into effect, and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertion of this State for supporting the dignity of the Federal Government—the President, on the advice of the Committee, be authorized and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt and maintaining the dignity and authority of the United States.

Resolved, That the Secretary at War be directed to communicate to the Commander-in-Chief the state and disposition of the said troops, in order that he may take immediate measures to despatch to this city such force as he may judge expedient for suppressing any disturbances which may ensue.”

Resolution of Congress, July 1st, 1783.

"Resolved, That Major General Howe be directed to march such part of the force under his command, as he shall judge necessary, to the State of Pennsylvania, in order that immediate measures may be taken to confine and bring to trial all such persons belonging to the army as have been principally active in the late mutiny, to disarm the remainder, and to examine fully into all the circumstances relating thereto.

That in the execution of the foregoing resolution, if any matter shall arise which may concern the civil jurisdiction, or in which its aid may be necessary, application be made for the same to the Executive authority of the State.

That the Executive of Pennsylvania be informed of the foregoing resolutions, and requested to afford their assistance whensoever the same shall be required."

2d Report of the Committee of Congress, July 1, 1783.

The Committee appointed to confer with the Supreme Executive Council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, in consequence of the disorderly and menacing appearance of a body of armed soldiers surrounding the place where Congress were assembled, on Saturday, the 21st inst., beg leave to report :

That they had a conference the following morning with the Supreme Executive Council, agreeably to the intention of Congress, and having communicated their resolution on that subject, informed the Council that Congress considered the proceeding on which that resolution was founded of so serious a nature as to render palliatives improper, and to require that vigorous measures should be taken to put a stop to the further progress of the evil, and to compel submission on the part of the offenders. That in this view they had thought it expedient to declare to the Executive of the State in which they reside, the necessity of taking effectual measures for supporting the public authority. That though they had declined a specification of the measures which

they would deem effectual, it was their sense that a number of the militia should be immediately called out sufficient to suppress the revolt. That Congress, unwilling to expose the United States to a repetition of the insult, had suspended their ordinary deliberations in this city till proper steps could be taken to provide against the possibility of it. The Council, after some conversation, informed the Committee, that they would wish, previous to a determination, to ascertain the state and disposition of the militia, and to consult the officers for that purpose.

The day following the Committee waited upon the Council for their final resolution, having previously presented a letter addressed to his Excellency the President, of which a copy is annexed, requesting the determination of the Council in writing.

The Council declined a written answer, alleging that it had been unusual on similar occasions, that they were unwilling to do anything which might appear an innovation in the manner of conducting conferences between their body and committees of Congress, adding, however, that they were ready to give their answer in writing if Congress should request it. They then proceeded to a verbal answer, in substance as follows: That the Council had a high respect for the representative sovereignty of the United States, and were disposed to do every thing in their power to support its dignity. That they regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it. That they had consulted a number of well informed officers of the militia and found that nothing, in the present state of things, was to be expected from that quarter. That the militia of the city in general were not only ill provided for service, but disinclined to act upon the present occasion. That the Council did not believe any exertions were to be looked for from them, except in case of further outrage and actual violence to person or property. That in such case a respectable body of citizens would arm for the security of their property and the public peace; but it was to be doubted what measure of outrage would produce this effect, and in particular it was not to be expected merely from a repetition of the insult which had happened. The Council observed that they thought it their duty to communicate their expectations with candor, and passed from the subject of the practicability of vigorous measures to the policy of them. They stated that General St. Clair, with the approbation of several mem-

bers of Congress and of Council, had, by a declaration in writing, permitted the mutineers to choose a committee of commissioned officers to represent their grievances to Council, and had authorized them to expect that a conference would be allowed for that purpose. That it was said the mutineers began to be convinced of their error and were preparing for submission. That, from the steps which had been taken, the business seemed to be in a train of negotiation, and that it merited consideration how far it would be prudent to terminate the matter in that way rather than employ coercive means.

The Committee remarked, with regard to the scruple about giving an answer in writing, that they could not forbear differing in opinion as to its propriety. That nothing was more common than written communications between the Executives of different States and the civil and military officers acting under the authority of the United States. That for a much stronger reason there was a propriety in this mode of transacting business between the Council and a Committee of the body of Congress. That indeed it would be conformable to the most obvious and customary rules of proceeding, and that the importance of the present occasion made it desirable to give every transaction the greatest precision.

With respect to the practicability of employing the militia, the Committee observed that this was a point of which the Council was alone competent to judge. That the duty of the Committee was performed in explicitly signifying the expectations of Congress.

And, with respect to the policy of coercion, the Committee remarked, that the measures taken by Congress clearly indicated their opinion that the excesses of the mutineers had passed the bounds within which a spirit of compromise might consist with the dignity and even the safety of the Government. That impunity for what had happened might encourage to more flagrant proceedings, invite others to follow the example and extend the mischief. That the passiveness of conduct observed towards the detachment which had mutinied at Lancaster and come to the city in defiance of their officers, had no doubt led to the subsequent violences. That these considerations had determined Congress to adopt decisive measures. That besides the application to the State in which they reside, for its immediate support, they had not neglected other means of ultimately executing their purpose, but had directed the Commander-in-Chief to march a detachment of troops towards the city. That whatever

moderation it might be prudent to exercise towards the mutineers, when they were once in the power of Government, it was necessary in the first instance to place them in that situation. That Congress probably would continue to pursue this object, unless it should be superseded by unequivocal demonstrations of submission on the part of the mutineers. That they had hitherto given no satisfactory evidence of this disposition, having lately presented the officers they had chosen to represent their grievances with a formal commission in writing, enjoining them, if necessary, to use compulsory means for redress, and menacing them with death in case of their failing to execute their views. Under this state of things, the Committee could not forbear suggesting to the Council that it would be expedient for them so to qualify the reception which they should think proper to give to any propositions made by the mutineers as not to create embarrassment should Congress continue to act on the principle of coercion.

The Committee, finding there was no satisfactory ground to expect prompt and adequate exertions on the part of the Executive of this State for supporting the public authority, were bound, by the resolution under which they acted, to advise the President to summon Congress to assemble at Princeton or Trenton, on Thursday, the 26th inst.

Willing, however, to protract the departure of Congress as long as they could be justified in doing it, still hoping that further information would produce more decisive measures on the part of the Council, and desirous of seeing what complexion the intimated submissions would assume, they ventured to defer advising the removal till the afternoon of the day following that on which the answer of Council was given. But having then received no farther communications from the Council, and having learned from General St. Clair that the submission proposed to be offered by the mutineers, through the officers they had chosen to represent them, were not of a nature sufficiently explicit to be accepted or relied on. That they would be accompanied by new demands to which it would be improper to listen. That the officers themselves composing the committee had shewn a mysterious reluctance to inform General St. Clair of their proceedings—had refused in the first instance to do it, and had afterwards yielded only to a peremptory demand on his part, the Committee could no longer think themselves at liberty to delay their advice for

an adjournment, which they this day accordingly gave, persuaded at the same time that it was necessary to impress the mutineers with a conviction that extremities would be used against them before they would be induced to resolve on a final and unreserved submission.

Philadelphia, June 24th, 1783.

The Letter of His Excellency the President of the Supreme Executive Council of Pennsylvania.

Sir,

We have the honor to enclose for your Excellency and the Council a copy of the resolutions communicated in our conference yesterday. Having then fully entered into all the explanations which were necessary on the subject, we shall not trouble your Excellency with a recapitulation ; but, as the object is of a delicate and important nature, we think it our duty to request the determination of the Council in writing. We have the honor to be, with perfect respect, your Excellency's most obedient servants.

Philadelphia, June 23d, 1783.

BY HIS EXCELLENCY,

ELIAS BOUDINOT, ESQ.,

President of the United States, in Congress assembled,

A PROCLAMATION.

Whereas a body of armed soldiers in the service of the United States, and quartered in the barracks of this city, having mutinously renounced their obedience to their officers, did, on Saturday, the twenty-first instant, proceed under the guidance of their Sergeants, in a hostile and threatening manner, to the place in which Congress were assembled, and did surround the same with guards : And whereas Congress, in consequence thereof, did, on the same day, resolve, "That the President and Supreme Executive Council of this State should be informed, that the authority of the United States, having been that day grossly insulted by the disorderly and menacing appear-

ance of a body of armed soldiers about the place within which Congress were assembled ; and that the peace of this city being endangered by the mutinous disposition of the said troops then in the barracks, it was, in the opinion of Congress, necessary that effectual measures should be immediately taken for supporting the public authority :” And also, whereas Congress did, at the same time, appoint a Committee to confer with the said President and Supreme Executive Council, on the practicability of carrying the said resolution into due effect : And also, whereas the said Committee have reported to me, that they have not received satisfactory assurances for expecting adequate and prompt exertions of this State for supporting the dignity of the Federal Government : And also, whereas the said soldiers still continue in a state of open mutiny and revolt, so that the dignity and authority of the United States would be constantly exposed to a repetition of insult, while Congress shall continue to sit in this city : I do, therefore, by and with the advice of the said committee, and according to the powers and authorities in me vested, for this purpose, hereby summon the honorable the Delegates composing the Congress of the United States, and every of them, to meet in Congress on Thursday, the twenty-sixth day of June instant, at Princeton, in the State of New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt, and maintaining the dignity and authority of the United States ; of which all officers of the United States, civil and military, and all others whom it may concern, are desired to take notice and govern themselves accordingly.

Given under my hand and seal, at Philadelphia, in the State of Pennsylvania, this twenty-fourth day of June, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States the seventh.

ELIAS BOUDINOT.

Attest,

SAMUEL STERETT, *Private Sec.*

DEMAND MADE BY THE MUTINEERS.

May it please your Excellency,

We, the non-commissioned officers and soldiers now in this city, demand of you and the Honorable Council, authority to appoint com-

missioned officers to command us and redress our grievances, which officers to have full powers to adopt such measures as they may judge most likely to procure us justice. You will immediately issue such authority and deliver it to us, or otherwise we shall instantly let in those injured soldiers upon you, and abide by the consequence. You have only twenty minutes to deliberate on this important matter. The officers in general have forsaken us and refuse to take any further command. This, I presume, you all know.

We are, in behalf of ourselves and the men,

Yours, &c., &c.

JAMES CHRYSTIE TO JOHN DICKINSON.

Philadelphia, 24th June, 1783.

Sir,

Yesterday morning we were waited on severally by a committee of Sergeants, who handed to each of us similar appointments, of which the enclosed is one. But upon their being objected to, and refused as inconsistent with the powers granted them and dishonorable to us, they made such concessions relative to us as were satisfactory, so far as we could take up the business; and they have confessed their conduct on the 21st instant to be disorderly, and have promised to hand to us the concessions as soon as possible, which we will immediately lay before your Excellency.

I have the honor to be, &c.,

JAMES CHRYSTIE, Capt. 2d Penn. Regt.,
President of the Committee.

COMMISSION BY THE MUTINEERS.

Philadelphia Barrack, 23d June, 1783.

Sir,

You are hereby appointed by the non-commissioned officers and soldiers in this city, from authority which they have from the President of the State and General St. Clair, as a member to represent them in committee of six commissioned officers. You are to remember that every effort in your power must be exerted to bring about

the speedy and most ample justice; and even to use compulsive measures should they be found necessary—which we declare in the presence of Almighty God we will support you in to the very utmost of our power. Should you show a disposition not to do all in yours, Death is inevitably your fate.

Signed by order of the Board,

JAMES BENNETT, Secretary.

Captain JAMES CHRISTIE.

JOHN SULLIVAN TO COLONEL MOYLAND.

The Cape, 30th June, 1783.

Dear Colonel,

If a consciousness of rectitude can be a consolation to men in adversity, be assured our spirits are far superior to our circumstances, and am confident that none but persons accustomed to judge of things by the event will reprobate our conduct. The little prospect of succeeding in such an attempt, and the difficulties we had to encounter, were so great, that to have been confident of success would have proved us to be as destitute of prescience as of common sense. But a series of injuries, and the incessant indignities we experienced, were our sole inducements for prosecuting the plan at all risks. I am not ignorant of the sentiments of men in power, in respect to the army, and the ideas they entertain of the passiveness of the officers. These circumstances determined us to convince them we had a just sense of our wrongs, and were not callous to our ill treatment.

It avails little what appearance tyranny may assume to veil injustice; but it is a duty incumbent on honest men, by investigating the principles of insidious policy, not to submit to the imposition.

Actuated by the purest motives of patriotism and disinterestedness, I abandoned my dearest connexions at a tender age, to fight under American colors, at a critical period, and when affairs were equally balanced. My conduct in the army, either as a soldier or a gentleman, I appeal to the officers in general, and you in particular, to decide on.

I flatter myself you will not suppose that my attachment for this country is diminished in the most trivial degree. I ever had an innate

affection for America, and were she on the verge of ruin, I would come and perish with her. Let what bad men there are at the helm of Government observe from this instance, how dangerous it is to drive men of honor to desperation.

The person concerned with me is Captain Carbery. This young gentleman served with eclat in the army; bled, and spent a pretty fortune in the service of his country. I have requested Captain Heard to be punctual in paying what trifling debts I owe, and have requested your brother John to draw on my father, if necessary. We are now wafted along by a gentle and generous gale, and possess the most perfect tranquillity of mind, conscious of no unworthy action: all we regret is, failing in a noble attempt.

"And more true joy Marcellus exiled feels,
Than Cæsar with a Senate at his heels."

Adieu, my dear Colonel; be convinced I have a just sense, and want words to express my gratitude for the peculiar marks of favor and affection you have conferred on me.

I am, with sincerity, &c.

JOHN SULLIVAN.

I by no means flatter myself with the idea of hearing from you; but my address is Captain Richardson, 1st regiment guards, London.

I take the liberty to enclose a certificate for sixty-four pounds.

A DECLARATION OF OFFICERS OF THE PENNSYLVANIA LINE.

We, the under named officers, do appoint the following officers as a committee to wait on Congress, to assure that honorable body that we disapprove and detest the late proceedings of the non-commissioned officers and soldiers of the Pennsylvania line, and give them the strongest assurance of every assistance to repel them, if they should take such steps as may render it necessary. The following gentlemen were chosen for the above purpose, viz: Colonels Richard Thompson, Thomas Robinson, and Andrew Porter.

A. PORTER, Col.

ROBT. MARTIN, Lieut.

JAS. PETTIGREW, Lt. 2d P. Regt.

T. SUTY, Captain.
 THOS. DOYLE, Lieut.
 W. McDOWELL, Lieut.
 ANDW. IRVINE, Capt.
 E. SPEER, Lieut.
 E. DINNY, Lieut.
 J. McCULLAN, Lieut.
 ENOS REEDER, Lieut.
 J. B. TILDEN, Lieut.
 T. PROCTOR, Major.
 T. ROBINSON, Lieut. Col.
 WM. MAGAW, Surgeon.
 THOS. DUNGAN, Lieut.
 RICH. HAMPTON, Col. 2d P. Reg
 LE ROY, Lieut.
 JAMES GAMBLE, Lieut.
 DE MARCELLER.
 THOS. WYLIE, Capt. Art. Artificers



[The two following Letters relate to the mutiny at Philadelphia. Although it does not appear that copies were transmitted to our Ministers abroad, yet it has been thought proper to give them a place here.]

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO GENERAL WASHINGTON.

Philadelphia, 21st June, 1783, }
 4 o'clock, A. M. }

Dear Sir,

I am greatly mortified that our circumstances here oblige me to trouble your Excellency with a detail highly disagreeable and perplexing. I presume your Excellency has received copies of letters from Colonel Butler and Mr. Henry, forwarded a few days ago: all endeavors to oblige the men to return to Lancaster proved ineffectual. They entered this city yesterday morning in a very orderly manner, and took possession of the barracks, and with those troops then quartered there, make up about five hundred men. General St. Clair was sent for, and matters seemed tolerably easy till this morning, when they positively refused all obedience to their officers, and seemed

forming a design to be troublesome by evening. Congress being adjourned till Monday, I thought it proper to call them together at one o'clock. Six States had got together, when the mutineers, joined by those at the barracks before their arrival in town, very unexpectedly appeared before, and surrounded, the State House, with fixed bayonets; the Supreme Executive Council, sitting also in the same House. The mutineers sent in a paper, demanding of the President and Council to authorize them to choose their own officers, (being deserted by their former officers, as they alleged,) in order to represent their grievances—that they should wait twenty minutes, and if nothing was then done, they would turn in an enraged soldiery in the Council, who would do themselves justice, and the Council must abide the consequences, or words to that effect. This was handed to the members of Congress by the President of the State. General St. Clair was present at the request of Congress, and but very few other officers attended. Neither Congress nor the Council would take any measures while they were so menaced; and matters continued thus till half past 3 o'clock this afternoon, when the mutineers were prevailed on for the present to march back to the barracks. They have seized the public magazine, and I am of opinion that the worst is not yet come.

Though no Congress was regularly formed, for want of one member, yet the members present unanimously directed me to inform your Excellency of this unjustifiable movement. The militia of the city I suppose will be called out; but there are some suspicions that the mutineers value themselves on their interest with the inhabitants. It is therefore the wish of the members who were assembled that your Excellency would direct a movement of some of your best troops, on whom you can depend under these circumstances, towards this city, as it will be of the most dangerous consequence if a measure of this kind is to be put up with, and no one can tell where it will end. Your Excellency will hear from me again on this subject without delay. I forgot to inform your Excellency that the month's pay for January had been ordered to these men, and three months' pay in notes, &c. They complain heavily of their accounts yet remaining unsettled. It is to be wished the paymaster could arrange matters so as to close the accounts of the soldiery with more expedition.

I have the honor, &c.

E. B.

FROM GENERAL GEORGE WASHINGTON TO THE PRESIDENT OF CONGRESS.

Head-Quarters, Newburgh, evening, June 24th, 1783.

Sir,

It was not until 3 o'clock this afternoon, that I had the first intimation of the infamous and outrageous meeting of a part of the Pennsylvania troops; it was then I received your Excellency's letter of the 21st, by express, and agreeable to the request contained in it, I instantly ordered three complete regiments of infantry and a detachment of artillery to be put in motion as soon as possible. This corps (which you will observe by the returns, is a large proportion of our whole force) will consist of upwards of 1500 effectives. As all the troops who composed this gallant little army, as well those who were furloughed as those who remain in service, are men of tried fidelity, I could not have occasion to make any choice of corps; and I have only to regret, that there existed a necessity they should be employed on so disagreeable a service. I dare say, however, they will on this, and all other occasions, perform their duty as brave and faithful soldiers.

While I suffer the most poignant distress in observing that a handful of men, contemptible in numbers, and equally so in point of service, (if the veteran troops from the southward have not been seduced by their example,) and who are not worthy to be called soldiers, should disgrace themselves as the Pennsylvania mutineers have done, by insulting the sovereign authority of the United States, and that of their own, I feel an inexpressible satisfaction, that even this behavior cannot stain the name of the American soldiery; it cannot be imputable to, or reflect dishonor on the army at large; but on the contrary, it will, by the striking contrast it exhibits, hold up to public view the other troops in the most advantageous point of light. Upon taking all the circumstances into consideration, I cannot sufficiently express my surprise and indignation, at the arrogance, the folly, and the wickedness of the mutineers; nor can I sufficiently admire the fidelity, the bravery, and the patriotism which must forever signalize the unsullied character of the other corps of our army; for when we consider that these Pennsylvania levies, who have now mutinied, are recruits and soldiers of a day, who have not borne the heat and burden of the war, and who can have, in reality, very few hardships to complain of; and when we at the same time recollect, that those soldiers who have lately been furloughed from this army, are the veterans

who have patiently endured hunger, nakedness, and cold, who have suffered and bled without a murmur, and who, with perfect good order, have retired to their homes, without the settlement of their accounts, or a farthing of money in their pockets; we shall be as much astonished at the virtues of the latter, as we are struck with horror and detestation at the proceedings of the former; and every candid mind, without indulging ill-grounded prejudices, will undoubtedly make the proper discrimination.

I intended only to wait until the troops were collected and had occupied their new camp, in order to make a full report to Congress of the measures which have been taken in consequence of the revolution of the 26th of May. Notwithstanding the option which was given, in my answer to the address of the generals and officers commanding regiments and corps, which has been already sent to your Excellency, no soldiers, except a very few, whose homes are within the enemy's lines, and a very small number of officers, have thought proper to avail themselves of it, by remaining with the army; a list of those who remain is herewith transmitted. The men engaged to serve three years were then formed into regiments and corps, in the following manner, viz: The troops of Massachusetts composed 4 regiments, Connecticut 1 regiment, New Hampshire 5 companies, Rhode Island 2 companies, Massachusetts artillery 3 companies, and the New York artillery 2 companies, the total strength will be seen by the weekly state, which is also forwarded.

The army being thus reduced to merely a competent garrison for West Point, that being our only object of importance in this quarter, and it being necessary to employ a considerable part of the men in building an arsenal and magazines at that post, agreeably to the directions given by the Secretary at War, the troops accordingly broke up their cantonment yesterday, and removed to that garrison, where Major General Knox still retains the command. The detachment which marches for Philadelphia will be under the orders of Major General Howe, Major General Heath having, at his own particular request, retired from the field; the Brigadiers now remaining with the army, are Patterson, Huntington, and Greacon, besides the Adjutant General. Thus have I given the present state of our military affairs, and hope the arrangements will be satisfactory to Congress.

I have the honor to be, &c.,

GEO. WASHINGTON.

P. S. Should anything turn up which may prevent the necessity of the troops proceeding to Philadelphia, I am to request your Excellency will send the earliest intimation to the commanding officer, that the detachment may return immediately. The route will be by Kingwood, Pompton, Morristown, Princeton, and Trenton, on which your express may meet the troops.

STATE OF PENNSYLVANIA.

In General Assembly,

Friday, August 29, 1783, A. M.

The report of the Committee appointed to consider of the most eligible means for the accommodation of Congress, should that honorable body determine to reside within this State, read August 27th instant, was read the second time, whereupon

Resolved unanimously, That until Congress shall determine upon the place of their permanent residence, it would be highly agreeable to this House, if that honorable body should deem it expedient to return and continue in the city of Philadelphia. In which case they offer to Congress the different apartments in the State House, and adjacent buildings, which they formerly occupied, for the purpose of transacting the national business therein.

Resolved unanimously, That this House will take effectual measures to enable the Executive of the State to afford speedy and adequate support and protection to the honor and dignity of the United States in Congress, and the persons of those composing the Supreme Council of the nation assembled in this city.

Resolved unanimously, That as this House is sincerely disposed to render the permanent residence of Congress in this State commodious and agreeable to that honorable body, the delegates of this State be instructed to request that Congress will be pleased to define what jurisdiction they deem necessary to be vested in them in the place wherein they shall permanently reside.

Extract from the Minutes.

PETER Z. LLOYD,
Clerk of the General Assembly.

STATE OF PENNSYLVANIA.

In General Assembly, August 30th, 1783.

Gentlemen,

Enclosed you have sundry resolutions of this House, which you will be pleased to lay before the United States in Congress assembled, and furnish the House with an answer as speedily as the same may be obtained from that honorable body.

By order of the House.

(Signed)

FREDERIC A. MUHLENBURG,

Speaker.

Honorable the Delegates of Pennsylvania.

"The Delegates of Pennsylvania are authorized by the President and Council of that State, to declare in the most respectful terms to Congress that their return to Philadelphia is sincerely desired by the President and Council as an event which would give them the greatest satisfaction."

August 13, 1783.

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &C., PARIS.

Princeton, August 15, 1783.

Sir,

I had the honor of your favor of the 17th March, enclosing the treaty between the United States and the King of Sweden, the ratification whereof has been retarded for want of nine States present in Congress. This act has now taken place, and I am honored with the commands of Congress to transmit it to you for exchange, which I now have the pleasure of doing, and hope it will meet with a safe and speedy conveyance.

On receiving the treaty a manifest impropriety struck Congress in the title of the United States, being called of North America, when it should have been only America; and also in the enumeration of the different States, wherein the Delaware State is called "The three lower counties on Delaware." As there is no such State in the Union Congress were at a loss how they could ratify the treaty with pro-

priety, unless they should alter the transcript, which might be liable to many exceptions; they have therefore, to avoid all difficulties, passed a separate resolve empowering you to make the necessary amendments. A certified copy of this resolution I do myself the pleasure to enclose.

Congress are entirely at a loss to account for the silence of their Commissioners at Paris, since February last, being without any official information relative to the treaty with Great Britain since that time.

I had the honor of writing you very fully on the 15th July last, giving the reasons for our removal to this place at length, which, I hope, got safe to hand.

Congress having determined not to fix the place of their permanent residence till the first Monday in October next, is the reason of deferring the appointment of a Minister for Foreign Affairs till that is done.

I have the honor to be, &c.,

E. B.

Extract from the Secret Journal of Foreign Affairs.

July 29, 1783.

“Congress took into consideration a treaty of amity and commerce, concluded between the King of Sweden and the United States of America, signed at Paris, on the third day of April last; and the same was accepted and ratified, nine States being present, in the manner following:

The United States of America in Congress assembled—to all who shall see these presents, greeting:

Whereas by our commission dated at Philadelphia, on the twenty-eighth day of September, 1782, the honorable Benjamin Franklin was invested with full powers, on the part of the United States of America, to concert and conclude with a person or persons equally empowered on the part of his Majesty the King of Sweden, a treaty of amity and commerce, having for its basis the most perfect equality, and for its object the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission: and whereas our said Minister, in pursuance of his full powers, did at Paris, on the third day of April, in the year of our Lord one thousand seven hundred and eighty-three, with Count

Gustavus Philip de Creutz, Minister Plenipotentiary named for that purpose on the part of his Majesty the King of Sweden, conclude and sign a treaty of amity and commerce in the words following, to wit: *

Resolution July 29, 1783.

“On motion of Mr. Duane, seconded by Mr. Holten.

Resolved, That Doctor Franklin, Minister Plenipotentiary of these United States for concluding a treaty with the King of Sweden be, and he hereby is, instructed and fully empowered to obtain amendments of the following inaccuracies in the commercial treaty with his said Majesty this day ratified, namely, United States of North America for “United States of America.” The counties of New Castle, Kent, and Sussex on Delaware, for “Delaware,” and to enter into the necessary instruments and stipulations for that purpose.”

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &C., PARIS.

Philadelphia, 9th Sept., 1783.

Sir,

Being by accident at this city, and an opportunity offering, I do myself the honor of enclosing a duplicate of the ratification of the treaty with Sweden, the original of which I transmitted some time since; but not having the copy of the letter attending it by me, I am prevented from sending the duplicate of it, unless this opportunity is risked.

I am happy to enclose you some resolutions of the Assembly of Pennsylvania, by which you will see that all the difficulties that arose on account of the mutiny have happily subsided, without producing the least ill consequences.

The soldiers were very penitent, and two of the Sergeants are now under sentence of death, but I believe will be pardoned by Congress on account of the means used by Captain Carbery and Lieutenant

* Vide treaty, page 369, vol. 3, Secret Journal.

Sullivan, to induce those poor wretches to behave as they did, under expectations of great personal advantages. I hope these two officers will meet with proper detestation from all good men.

I have the honor to be, &c.,

E. B.

Extract from the Secret Journal of Foreign Affairs, September 26th, 1783.

“Congress took into consideration the report of a committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitzsimmons, Mr. Gerry, and Mr. Higginson, appointed to consider the late despatches from the Ministers of the United States at foreign courts, and to report what measures are necessary to be taken thereon; and the following paragraph being under debate, viz: “Your committee beg leave further to observe, that in those despatches, and particularly in Mr. Adams’s letter of the 18th July, a sentiment is earnestly inculcated, which is indeed obvious in itself, that the Union requires additional support from its members; and ‘that if the United States become ‘respectable, it must be by means of more energy in government; ‘for as some of the nations in Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually ‘enlarged by the growth of America, but on the contrary manifests ‘a jealousy of our future prosperity, it becomes the United States ‘seriously to consider their own interests, and to devise such general ‘systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require;’ your Committee therefore propose that a special Committee be appointed to take this important subject under deliberation, and to report the result to Congress.”

Extract from the Secret Journal of Foreign Affairs, September 29th, 1783.

“The Committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitzsimmons, Mr. Gerry, and Mr. Higginson, appointed to consider the late despatches from the Ministers of the United States at foreign

Courts, and to report what measures are necessary to be taken thereon, reported as follows :

Whereas it appears from Mr. Adams's letters, of the 23d June, and 14th and 18th of July, from the Ministers' joint letter of the 27th, and Dr. Franklin's of the 22d July, that the Court of Great Britain has discovered great jealousy upon the subject of American commerce ; and the truth of this fact seems to be clearly evinced, by two proclamations of his Britannic Majesty of the ——— and the ———. The first of which restrains the importation of the produce of any of the United States to vessels belonging to Great Britain, and navigated according to her laws, or to vessels belonging to the State of which the cargo is the produce ; and the latter, when taken in conjunction with her subsisting trade laws, absolutely prohibits American vessels or subjects from trading to the British Islands or Colonies.

And whereas these regulations are highly injurious to the welfare and commerce of these United States, and peculiarly so to the Eastern States, as the article of fish is excluded from those which are to be admitted on any condition ; for if these restrictions are continued, and the vessels of each of the American States are confined in the importation into Great Britain, to the products of that State only, the intercourse between the States will not only be straitened, but a great part of the carrying trade, which arises from the exportation of American produce to England, will be engrossed by the subjects of that kingdom, and a very important branch of our commerce thereby lost, and although the court of France hath not yet explicitly disclosed her intentions with respect to our future intercourse with her colonies, there is too much reason to apprehend that she will restrain it to those articles of import and export which do not interfere with her own exports or consumption, and which are in fact of very inconsiderable value.

And whereas it is of importance to counteract those systems so injurious to the United States, and this can only be done by delegating a general power for regulating their commercial interests ; whereupon,

Resolved, That a committee be appointed to prepare an address to the States, upon the subject of commerce, stating to them the regulations which are prevailing in Europe, the evils to be apprehended therefrom, and the steps proper to be taken to guard against, and to counteract them.

The Committee having further reported as follows:

Whereas it appears that in those despatches, and particularly in Mr. Adams's letter of the 18th July, a sentiment is earnestly inculcated, which is indeed obvious in itself, 'that the Union requires 'additional support from its members; and that if the United States 'become respectable, it must be by means of more energy in government; for, as some of the nations of Europe do not yet perceive 'this important truth, that the sphere of their own commerce will be 'eventually enlarged by the growth of America; but, on the contrary, 'manifest a jealousy of our future prosperity, it becomes the United 'States seriously to consider their own interests, and to devise such 'general systems and arrangements, commercial or political, as our 'own peculiar circumstances may, from time to time, require.'

Thereupon,

Resolved, That a special committee be appointed to take this important subject under deliberation, and report the result to Congress.

The Committee having further reported,

And whereas, it appears from Mr. Adams's despatches of ———, and Dr. Franklin's of the 22d July, that propositions for entering into treaties of amity and commerce with these United States, have been made to our Ministers by the King of Denmark, the Court of Portugal, the Emperor of Germany, the King of Prussia, the Grand Duke of Tuscany, and the Court of Spain; and that many of the other Powers of Europe discover a like disposition: Thereupon,

Resolved, That a committee be appointed to consider this subject; and whether the transmission of general outlines of treaties with those several Powers, or instructions to our Ministers, as to the principles of such treaties, be most expedient; and to devise and report such outlines or instructions accordingly.

The Committee further reported, that instructions be transmitted to the Ministers, whom it concerns, immediately to stop all further loans in Europe.

That representations be made to the Court of Denmark for obtaining compensation for prizes sent into Bergen by the Alliance frigate.

That enquiry be made why the expedition of the Alliance and Bon Homme Richard, &c., was carried on at the expense and on account of the Court of France, and whether any part of the profit arising therefrom accrued to the United States; or any of the expense

thereof placed to their account; and whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe, in whose hands, and to what amount.

That the Minister of the United States be instructed to encourage overtures for treaties of amity and commerce from the respectable and commercial Powers of Europe, upon terms of the most perfect reciprocity, and subject to the revisal of Congress previous to their ratification. Whereupon,

Resolved, That these several subjects be referred to a special Committee, to report thereon proper instructions to the Ministers of these United States."

October 1st, 1783.

"Congress resumed the consideration of the before-mentioned report: And, thereupon,

Resolved, That Mr. Jay be authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence; and that he bring with him the books and vouchers necessary to make a final and complete settlement of the accounts of public money which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust these accounts.

Resolved, That Mr. Jay have leave to go to Bath, should he find it necessary for the benefit of his health."

"Ordered, That the Committee appointed to prepare instructions to the Ministers of the United States, prepare drafts of letters to the several Ministers, to be signed by the President, on the respective subjects before-mentioned."

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE MINISTER
PLENIPOTENTIARY OF FRANCE.

Princeton, 27th October, 1783.

Sir,

I am honored by the commands of Congress to make known to

you the pleasure they received from your communications of the 18th* of September. I cannot do this so well as by enclosing their act of the 24th instant for this purpose.

Be assured, sir, that every instance of the affection of our good ally gives me great pleasure, and I feel equally interested in the due acknowledgment of the many proofs we have received of this happy effect from the union of our two nations. Nothing can cement this alliance more perfectly than reciprocity and liberality in commercial regulations, which, I doubt not, are principles that will ever temper the wise councils of so great a monarch as your illustrious master.

I have the honor to be, &c.,

E. B.

Extract from the Secret Journal, October 24th, 1783.

“*Resolved*, That the Minister Plenipotentiary of France be informed that Congress receive much pleasure from his communication of the resolution of the belligerent parties not to sign a definitive treaty of peace with Great Britain but in concert with the United States. That it gives them equal satisfaction to learn that his most Christian Majesty had in view the commerce of the United States, and that it is their earnest wish that such a spirit of liberality may pervade commercial regulations on both sides as will extend the intercourse and mutual interests of the two nations, and preserve and increase the reciprocal confidence and affection which have so eminently distinguished their alliance.”

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE MINISTERS
PLENIPOTENTIARY OF THE UNITED STATES, PARIS.

Princeton, November 1, 1783.

Gentlemen,

I am honored by the commands of Congress to transmit you a set of instructions, in consequence of your joint and separate letters of the months of June and July last, by Captain Barney, which I do myself the honor to enclose. These were not finished till the 29th

*Missing.

ult., after having undergone the most mature deliberation and fullest discussion in Congress.

Yesterday we received, from Colonel Ogden, the news of the signature of the definitive treaty on the 3d of September, and that Mr. Thaxter was on the way with the official news. We long for his arrival, though we have no doubt of the fact, which is also announced by the post this day from Boston.

I do most sincerely congratulate you, gentlemen, on this most important and happy event, which has diffused the sincerest joy throughout these States, and the terms of which must necessarily hand down the names of its American negotiators to posterity with the highest possible honor. May the gratitude of your country ever be the fair reward of all your labors.

New York is not yet evacuated, but Sir Guy Carleton has informed our Commander-in-Chief, that he shall get clear of it, in all this month, though I think they will not dare to stay much beyond the 15th instant.

Yours, &c.,

E. B.

Instructions. Wednesday, October 29, 1783.

“On the report of the Committee, consisting of Mr. S. Huntington, Mr. A. Lee, and Mr. Duane, to whom were referred sundry resolutions, passed on the 29th of September and 1st October instant.

By the United States in Congress assembled :

To the Ministers Plenipotentiary of the United States of America, at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them,

First. You are instructed and authorized to announce to his Imperial Majesty the Emperor of Germany, or to his Ministers, the high sense which the United States in Congress assembled, entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his Imperial Majesty and the citizens of these United States.

Secondly. You are instructed to meet the advances and encourage the disposition of the other commercial powers of Europe, for entering into treaties of amity and commerce with these United States.

In negotiations on this subject, you will lay it down as a principle in no case to be deviated from, that they shall respectively have for their basis, the mutual advantage of the contracting parties, on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign Powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction, and that with the draughts or propositions for such treaties shall be transmitted all the information which shall come within the knowledge of the said Ministers respecting the same, and their observations, after the most mature inquiry on the probable advantages or disadvantages and effects of such treaties respectively.

Thirdly. You are instructed to continue to press upon the Ministers of his Danish Majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the Alliance frigate and sent into Bergen, and how essentially it concerns the honor of the United States that their gallant citizens should not be deprived of any part of those prizes which they had so justly acquired by their valor. That, as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more, however, is desired, than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish Majesty, and to promote a commercial intercourse between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations.

That it is, therefore, the wish of Congress that this claim should still be referred to the equitable disposition of his Danish Majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered. Accordingly, you are fully authorized and directed, after exerting your best endeavors to enforce the said claim, to the extent it shall appear to you to be well founded, to make

abatements, if necessary, and, ultimately, to accept such compensation as his Danish Majesty can be prevailed on to grant.

Fourthly. You are further instructed to enquire and report to Congress the reasons why the expedition of the Alliance and Bon Homme Richard, and the squadron which accompanied them, was carried on at the expense and on account of the Court of France? Whether any part of the profit arising therefrom, accrued to the United States; or any of the expense thereof hath been placed to their account; whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount, where, and in whose hands?

Fifthly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our Ministers, respecting the convention of the neutral maritime powers, for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention as it was founded on the liberal basis of the maintenance of the rights of neutral nations, and of the privileges of commerce, yet they are unwilling at this juncture to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe; and therefore, if such a progress is not already made in this business as may render it dishonorable to recede, it is the desire of Congress, and their instruction to each of the Ministers of the United States at the respective Courts in Europe, that no further measures be taken at present towards the admission of the United States into that confederacy.

Sixthly. The Ministers of these States for negotiating a peace with Great Britain are hereby instructed, authorized, and directed, to urge forward the definitive treaty to a speedy conclusion, and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the provisional articles, that they shall agree to adopt the provisional articles as the substance of a definitive treaty of peace.

Seventhly. The Minister or Ministers of these United States, for negotiating a peace, are hereby instructed to negotiate an explanation

of the following paragraph of the declaration acceded to by them on the 20th January, 1783, relative to captures, viz: "That the term should be one month from the Channel and North Sea, as far as the Canary Islands inclusively, whether in the Ocean or the Mediterranean."

Eighthly. Mr. Jay is hereby authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence, and that Mr. Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the account of public moneys which have passed through the hands of Mr. Jay and himself, and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust these accounts.

Ninthly. Mr. Jay has leave to go to Bath should he find it necessary for the benefit of his health.

Ordered, That the fifth instruction be also directed to Mr. Dana, and that with it be sent a copy of the other instructions, for his information."

Translation.

FROM THE CITY OF HAMBURG TO CONGRESS.

Right Noble, High, Mighty.

Most Honorable Lords,

Since by the preliminary articles of peace lately between the high belligerent Powers concluded, the illustrious United States of North America have been acknowledged free, sovereign, and independent, and now, since European Powers are courting in rivalry the friendship of your High Mightinesses,

We, impressed with the most lively sensations on the illustrious event, the wonder of this, and the most remote future ages, and desirous fully to testify the part which we take therein, do hereby offer your High Mightinesses our service and attachment to the cause.

And in the most sincere disposition of the heart, we take the honor to wish, so far as from omnipotent Providence we do pray, that the most illustrious Republic of the United States of America may, during the remotest centuries, enjoy all imaginable advantages to be derived from that sovereignty which they gained by prudence and courage. That by the wisdom and active patriotism of your illustrious Congress it may forever flourish and increase, and that the High Mighty Regents

of these free United States may with ease and in abundance enjoy all manner of temporal happiness; and at the same time we most obsequiously recommend our city to a perpetual friendly intelligence, and her trade and navigation in matters reciprocally advantageous, to your favor and countenance.

In order to show that such mutual commerce with the merchant houses of this place may undoubtedly be of common benefit, your High Mightinesses will be pleased to give us leave to mark out some advantages of this trading city.

Here governs a free, unrestrained republican commerce, charged with but few duties.

Hamburg's situation upon the river Elbe is as if it were in the centre of the Baltic and the North Sea, and as canals are cut from the river through the city, goods may be brought in ships to the magazines in town, and from thence again to all parts of the world.

Hamburg carries on its trade with economy; it is the mart of goods of all countries where they can be purchased not only of good quality, but sometimes cheaper than at first hand.

Here linen, woolen goods, calicoes, glass, copper, and all other numerous produce, manufactured and context wares of the whole German Empire, are brought in by Portuguese, Spaniards, the English, Dutch, French, and other nations, and from hence further transported, in exchange whereof considerable quantities of North American goods, much wanted in Germany, may be taken.

Mr. Penet, who in your country is honored with several offices, has sojourned here for some time, and with all who had the honor of his acquaintance borne the character of an intelligent, skillful, and for reciprocally advantageous commerce, well disposed and zealous man, will certainly have the complaisance to give your High Mightinesses further explanation of the advantages of this trading place, which we have but briefly touched upon.

We now intercessionally and most obsequiously request your High Mightinesses to favor and countenance the trade of our merchants and to suffer them to enjoy all such rights and liberties as you allow to merchants of nations in amity, which in gratitude and with zeal we will in our place endeavor to retribute, not doubting that such mutual intercourse may be effected since a good beginning thereof is already made on both sides by the friendly reception of the vessels that have arrived in either countries.

In further testimony of our most attentive obsequiousness and sincere attachment, we have deputed our citizen, John Abraham de Boor, who is charged with the concerns of a considerable merchant house, who, like several other merchant houses of good report and solidity in this city, are desirous of entering with merchants of your countries into reciprocal commerce. He is to have the honor to présent to your High Mightinesses this our most obsequious missive. Wherefore we most earnestly recommend him to your favorable reception. He has it from us in express charge most respectfully to give your High Mightinesses, if required, such upright and accurate accounts of our situation and constitutions, as may be depended upon, and at the same time in person to testify the assurance of the most perfect respect and attachment, with which attentively, we remain, right noble, high, mighty, most honorable lords, your

Most obsequious and devoted,

BURGOMASTERS and SENATE

Of the imperial free city of the Empire.

Given under our City Seal }
March 29, 1783. }

SPECIFICATION of Goods more profitably to be drawn from Hamburg than from any other market, viz :

German Cloths of every quality and color, the ordinary sort of which in particular to be had cheaper than anywhere else ; and the Brabant Cloth we have at first hand ; all sorts of Woolens fit for lining, such as Serges, &c., and a kind of Baize, near like the English, but 29 per cent. cheaper.

Cotton Stuffs of every kind, manufactured in Germany.

Flannels, Friezes, Blankets, Woolen Stockings and Caps.

Thread Stockings ; Shoes and Slippers.

All sorts of Ribbands.

Coarse Linens, such as Sack Linen, from the coarsest to the lightest quality, and Saxonian Sail Cloth.

Silesia Diaper, of different qualities and patterns.

Loom Dowlas ; Sleeked ditto ; Rough ditto ; Quadruple Tandems ; Brown Silesias, go in great quantities to London, from thence they go exported to America.

All sorts of Striped and Chequered Linens, viz: Bleached Linens, otherwise called *fil d'épreuve*; Arabias, Sailors' Linens; Coutils. Westphalia Linens, at various prices, viz: Osnaburgs; Ticklenburgs; Ravensburgs; Hessens; Warendorps; Bielefelds; Quadruples, or Brunswick.

Silesia Linens, viz: Bretagnas; Plattillas Royales; Creas a la Morlaix; Rouens Cholets; Estopilles, or Cambricks. Imitating the French Linens under the same denomination, but are one third cheaper here.

Gingas; Tortillas, fit for bedding.

Handkerchiefs of all colors, &c.

Chintzes and Calicoes of various patterns, whole pieces, as well as for gowns; likewise white Calicoes, Handkerchiefs, &c.

Russia Duck; Ravensduck; Flaams; Cables; Cordage; Anchors; and, in short, every requisite for fitting out ships.

All sorts of Goods the Danish and Swedish East India Companies import from thence and China, of which the chief articles are Tea and Salt Petre; Hartz; Lead, which always comes cheaper than the English; Small Shot; Tin, Tin-plate; Steel; Iron assorted; Scythes, and every kind of coarse Iron-ware; Nails; Needles; Iron-wire; Brass-wire, &c.

Paper of every kind, such as Writing Paper, Colored, Gilt, and Silvered Paper; Paper for Tapestry, &c.

All sorts of Bohemian and other German Glasses, for Windows, Looking Glasses, Bottles, Decanters, Wine and Beer Glasses, &c., German Earthenware, China, &c.; Russia Mats, and, in short, all Russian products; Rhenish Wine; Refined Sugars; all sorts of Haberdashery ware, which are made very good and cheap in Germany.

Toys of every kind; besides many more articles, too prolix to be specified.



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE HONORABLE
THE BURGOMASTERS AND SENATE OF THE IMPERIAL FREE CITY,
HAMBURG.

Princeton, 1st November, 1783.

Gentlemen,

I have the honor of acknowledging the receipt of your very respectful and polite letter of the 29th of March last, by the hands of your faithful citizen and missionary, Mr. De Boor.

Congress received this very generous and candid communication with all that pleasure and attention which so great proffers of friendship from the honorable the Burgomasters and Senate of the imperial free city of Hamburg, justly demanded from the United States of America.

Congress did not delay to take this honorable tender of affection and esteem of the worthy Burgomasters and Senate under their immediate just consideration; and I am now honored by the commands of Congress to make known to the respectable representatives of this great and imperial city, in terms expressive of "the most sincere regard, the high satisfaction with which the United States in Congress assembled, received the annunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these States on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in encouraging the most friendly intercourse between the citizens of the respective countries, on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city of Hamburg, may continue to increase in commerce and splendor, and be blest with uninterrupted tranquillity."

It is with the most sensible pleasure I make this communication, and hope and pray that a solid foundation will be laid for the firm establishment of friendship and communion between the citizens of our republics.

May God Almighty keep the honorable Burgomasters and Senate of the imperial free city, Hamburg, in his holy protection.

I have the honor to be, &c.,

E. B.

Extract from the Secret Journal of Foreign Affairs.

October 29th, 1783.

"On the report of a committee, consisting of Mr. S. Huntington, Mr. Lee, and Mr. Duane, to whom was referred a letter from the Burgomasters and Senate of the imperial free city of Hamburg.

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Resolved, That the President, in terms expressive of the most sincere regard, communicate to the Burgomasters and Senate of the imperial free city of Hamburg, the high satisfaction with which the United States in Congress assembled are impressed by the annunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these States on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in encouraging the most friendly intercourse between the citizens of the respective countries, on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city of Hamburg may continue to increase in commerce and splendor, and be blessed with uninterrupted tranquillity.

Resolved, That a committee be appointed to confer with Mr. John Abraham de Boor, charged by the said Burgomasters and Senate with their said letter to Congress, on the subject-matter thereof; and that a copy of these resolutions be transmitted to Mr. De Boor."



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO THE MINISTER
OF FRANCE.

Annapolis, December 24th, 1783.

Sir,

I have the honor to inform you, that yesterday, at twelve o'clock, his Excellency General Washington has had a public audience of Congress when he resigned his commission, and took a solemn leave of public life. I enclose to your Excellency a copy of the General's address to Congress and a copy of their answer.

I am with the highest respect, &c.,

THOMAS MIFFLIN.

N. B. A similar letter enclosing a copy of the General's address to Congress, and a copy of their answer, was written to his Excellency the Minister of the United Netherlands.

Extract from the Journals of Congress, December 23d, 1783.

“According to order, his Excellency the Commander-in-Chief was admitted to a public audience, and being seated, the President, after a pause, informed him that the United States in Congress assembled, were prepared to receive his communications: whereupon he arose and addressed the Chair, as follows :

Mr. President,

The great events on which my resignation depended having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task; which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it an indispensable duty to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping.

Having now finished the work assigned me, I retire from the great

theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.

He then advanced and delivered to the President his commission, with a copy of his address, and having resumed his place, the President returned him the following answer:

Sir,

The United States in Congress assembled, receive with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous King and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence; on which happy event, we sincerely join you in congratulations.

Having defended the standard of liberty in this new world: having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

We feel with you our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation, and for you we address to him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be as happy as they have been illustrious; and that he will finally give you that reward which this world cannot give."

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO THE MINISTER
OF FRANCE.

Annapolis, January 14, 1784.

Sir,

This day, nine States being represented in Congress, viz: Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, together with one member from New Hampshire and one member from New Jersey, the treaty of peace was ratified by the unanimous vote of the members. This being done, Congress, by an unanimous vote, ordered a proclamation to be issued, enjoining the strict and faithful observance thereof, and published an earnest recommendation to the several States in the very words of the fifth article.

Congress have appointed Colonel Josiah Harmar, my private Secretary, to carry the ratification to our Ministers at Paris, and I have instructed him to pursue the route marked by your Excellency's letter of the 10th instant, and upon meeting you, to wait for such commands as you may be pleased to honor him with. Let me entreat your Excellency to give Colonel Harmar a recommendatory letter to the Captain of the packet boat at New York, that he may have, upon his arrival in France, the most expeditious means provided for his journey to Paris.

I will employ a proper person to secure two or three comfortable rooms for you, and if I can be so happy as to hear of your arrival at Baltimore, I will take care that a person shall be on the road, near Annapolis, to conduct you to the house which may be provided for you.

I am with the highest respect, &c.,
THOMAS MIFFLIN.



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO BENJAMIN FRANK-
LIN, JOHN ADAMS, AND JOHN JAY.

Annapolis, January 14, 1784.

Gentlemen,

This day nine States being represented, viz: Massachusetts, Rhode

Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, together with one member from New Hampshire, and one member from New Jersey, the treaty of peace was ratified by the unanimous vote of the members. This being done, Congress, by an unanimous vote, ordered a proclamation to be issued, enjoining the strict and faithful observance thereof, and published an earnest recommendation to the several States, in the very words of the fifth article.

They have likewise resolved, that the ratification of the treaty of peace shall be sent by a proper person to our commissioners at Paris, to be exchanged, and have appointed Colonel Josiah Harmar to that service. He will have the honor of delivering to you the ratification, together with copies of the proclamation of Congress, and of their recommendation to the States, conformably to the 5th article.

I take the liberty of recommending Colonel Harmar as a brave and deserving officer, and am with the highest respect and esteem,

Gentlemen, your most obedient, &c.,

THOMAS MIFFLIN.

By the United States, in Congress assembled.

A PROCLAMATION.

Whereas, definitive articles of peace and friendship between the United States of America, and his Britannic Majesty, were concluded and signed at Paris, on the third day of September, 1783, by the Plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorized for that purpose, which definitive articles are in the words following: (see Treaty, Journals of Congress, Vol. iv. p. 323.) and we the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act under the seal of the United States bearing date this 14th day of January, 1784, approve, ratify and confirm the same and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one or transgressed in any manner as far as should be in our power; and being

sincerely disposed to carry the said articles into execution, truly, honestly, and with good faith, according to the intent and meaning thereof, we have thought proper by these presents to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive, and judiciary, all persons bearing office, civil or military, of whatever rank, degree, or power, and all others the good citizens of these States of every vocation and condition, that, reverencing those stipulations entered into on their behalf under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith, which is every man's surest guide, within their several offices, jurisdictions, and vocations, they carry into effect the said definitive articles and every clause and sentence thereof sincerely, strictly, and completely. Given under the seal of the United States.

Witness his Excellency, Thomas Mifflin, our President, at Annapolis, this 14th day of January, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth.



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO BENJAMIN FRANKLIN AND JOHN ADAMS, PARIS.

Annapolis, March 20, 1784.

Gentlemen,

I have the honor to transmit to you an act of Congress of the 16th inst., together with copies of several papers to which that act refers.

I am, with the greatest respect, &c.,

THOMAS MIFFLIN.



Act of Congress. Tuesday, March 16, 1784.

"Congress assembled; present as yesterday.

On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson, Mr. Sherman, Mr. Read, and Mr. Williamson, to whom were referred a letter of November 1st, and one of December 25th, from

Dr. Franklin, with sundry papers enclosed, together with a letter of 20th October, and one of 14th November, from Thomas Barclay.

Resolved, That it is inconsistent with the interest of the United States to appoint any person not a citizen thereof, to the office of Minister, Chargé d'Affaires, Consul, Vice Consul, or to any other civil department in a foreign country, and that a copy of this resolve be transmitted to Messrs. Adams, Franklin, and Jay, Ministers of the said States in Europe.

That the said Ministers be instructed to inform Mr. William Hodgden, merchant of London, that Congress have a grateful sense of his benevolent and humane attention to the citizens of these United States, who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish Minister to Doctor Franklin, and of a paragraph of his letter to Congress, on the subject of the capture of the Danish ship *Providentia*, be sent to the Supreme Executive of Massachusetts, who are requested to order duplicate and authentic copies of the proceedings of their Court of Admiralty, respecting the said ship and cargo, to be sent to Congress.

That a copy of all the letters from Mr. Robert Montgomery, of Alicant, with their enclosures, to Congress, and the Secretary for Foreign Affairs, be transmitted to the said Ministers, who are instructed to inquire on what grounds Mr. Montgomery has undertaken to write in the name of the United States to the Emperor of Morocco a letter by which their character and interest may be so materially affected, and to take such measures thereon as may be proper and consistent with the interest of the said States.

That a copy of a letter from Thomas Barclay, Consul of the United States in France, of the 20th of October last, to Congress, be transmitted to the said Ministers, who are instructed to take necessary measures for obtaining free ports in that kingdom, one or more on the Atlantic, and one on the Mediterranean."

Extract from the Secret Journal of Foreign Affairs.

February 11, 1784.

"The Committee, consisting of Mr. Ellery, Mr. Jefferson, and Mr. Lee, to whom was referred a note from the honorable the Minister

of France, dated 30th January, informing that 'his Most Christian Majesty, from a desire to favor the progress of commerce between his realm and these United States, has nominated four Consuls and five Vice Consuls to reside in the towns of this continent where he has judged their presence to be necessary; and that he has appointed Mr. de Marbois Consul General of the thirteen United States,' report:

That they have conferred with Mr. de Marbois, who produced to them four commissions for the said Consuls, and five brevets for the Vice Consuls, whereby it appears that the said Sieur de Marbois is appointed Consul General of France for the thirteen United States of America. The Sieur de L'Etombe, Consul of France, for the States of New Hampshire, Massachusetts, and Rhode Island; the Sieur de St. Jean de Crevecoeur, Consul of France, for the States of Connecticut, New York, and New Jersey; the said Sieur de Marbois, Consul of France, for the States of Pennsylvania and Delaware; and the Chevalier D'Annemours, Consul of France, for Maryland and Virginia. Also, that the Sieur Toscan is appointed Vice Consul at Portsmouth, in New Hampshire; the Sieur de Marbois Vice Consul at Rhode Island; the Sieur Oster, Vice Consul at Richmond, in Virginia; the Sieur Petry, Vice Consul at Wilmington, in North Carolina; and the Sieur de la Florêt, Vice Consul at Savannah, in Georgia: Whereupon—

Resolved, That the commissions and brevets of the said officers be registered in the Secretary's Office; and that thereupon acts of recognition, in due form, be immediately issued to the States concerned, in order that they may furnish them respectively with their Exequatur or notification of their quality, that the same may be made known and published."

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, November 1, 1783.

Sir,

Enclosed is a copy of my last, which went by the English packet. I heard after I wrote it, that the French packet putting back by contrary winds, Mr. Thaxter had an opportunity of getting on board her, and that she sailed the 26th September. The mentioned new commission is not yet come to hand. Mr. Hartley is not returned, and

I hear, will stay for the meeting of Parliament, which is to be the 11th instant, and will not come hither till the recess for the Christmas holidays.

Mr. Jay went to England about three weeks since on some personal affairs, and Mr. Adams followed last week to see that country, and take some exercise during this vacancy of business.

This court is now at Fontainebleau, but will return to Versailles in a few days. Its good disposition towards us continues. The late failure of payment in the Caisse d'Escompte, an institution similar to the Bank of England, occasioned partly by its having gone too far in assisting the Government with money, and the inability of the Government to support their credit, though extremely desirous of doing it, is a fresh proof that our not obtaining a farther loan was not occasioned by want of good will to assist us, as some have unjustly supposed, but by a real want of the means. Money is at present unaccountably scarce here; what is arrived and expected in Spain since the peace, it is thought will set things to rights. The Government has proposed a second lottery for this year, by which they borrow twenty-four millions, and is filled readily. This helps, and the Caisse d'Escompte goes on again with its operations; but it is said the interest paid by the lottery plan is nearly seven per cent.

I have received the duplicate of your Excellency's letter of the 15th July to the Commissioners, which is very satisfactory, though it came to hand but lately. The first, sent via New York, has not yet appeared. I have sent copies of it to the Hague and Madrid. The substance is published in several papers.

I have acquainted the Minister of Sweden, that I have received the ratification of the treaty, and he has written to me that he shall be in town in a few days, when he will make the exchange. The conclusion of the Danish treaty waits only for the commission and instructions from Congress. The ambassador of Portugal informed me lately that his Court had our proposed plan under consideration and that we should soon hear from them. I sent it to Congress by Barney, and hear the ship is arrived. A commission and instructions will be wanting for that also, should the Congress be disposed to conclude a treaty with that nation.

I see by the public prints that the Congress have ratified the contract I made with the minister here respecting the loans and aids we had received; but the ratification itself, though directed to be sent to

me, has never come to hand, and I am often asked for it. I beg it may be forwarded by the first opportunity.

There has been with me lately, Mr. Pierre du Calvet, a merchant of Montreal, who when our army was in Canada furnished our Generals and officers with many things they wanted, taking their receipts and promissory notes for payment, and when the English repossessed the country, he was imprisoned and his estate seized, on account of the services he had rendered us. He has shewn me the originals of his papers, which I think are genuine. He produced also a quantity of Congress paper, which he says he received in payment for some of the supplies, and which appeared to me of our first emissions, and yet all fresh and clean, as having passed through no other hands. When he was discharged from prison, he could not obtain permission to go to the United States to claim the debt, but was allowed to go to England, and from thence he came hither, to solicit payment from me; having no authority to meddle with such debts, and the sum being considerable, I refused and advised him to take passage for America, and make his application to Congress. He said he was grown old, much broken and weakened by near three years' imprisonment, and the voyage from Canada to London had like to have been too much for him, he being sick all the way, so that he could not think of another, though distressed for want of his money. He appears an honest man, and his case a hard one. I have, therefore, undertaken to forward his papers,* and I beg leave to recommend them to the speedy consideration of Congress, to whom I request you would be pleased to present my dutiful respects, and assure them of my most faithful services.

With great esteem and regard, &c.,

BENJAMIN FRANKLIN.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, December 25, 1783.

Sir,

Not having heard of the appointment of a new Secretary for Foreign Affairs, I take the liberty of addressing this despatch directly to your Excellency.

* Missing.

I received by Captain Barney a letter from the late President, directed to the Commissioners, dated November 1st, with a set of instructions dated the 29th of October, a resolution of the same date respecting Hamburg, and another of the 1st November, relating to Captain Paul Jones, all which will be duly regarded. Capt. Jones, in passing through England, communicated these papers to Mr. Adams, then at London. Mr. Adams, disappointed in not finding among them the commission we had been made to expect, empowering us to make a treaty of commerce with England, wrote to me that he imagined it might be contained in a packet that was directed to me, and requested to be immediately informed, adding, that in case no such commission was come, he should depart directly for Holland: so I suppose he is now there. Mr. Laurens is gone to England with an intention of embarking for America; Mr. Jay is at Bath, but expected here daily. The English Ministers (the Duke of Manchester and Mr. Hartley) are both at present in Parliament. As soon as either of them returns, we shall endeavor to obtain an additional article to the treaty explaining that mentioned in the instructions.

The affairs of Ireland are still unsettled; the Parliament and volunteers are at variance, the latter are uneasy that, in the late negotiations for a treaty of commerce between England and America, the British Ministers made no mention of Ireland, and they seem to desire a separate treaty of commerce between America and that kingdom.

It was certainly disagreeable to the English Ministers that all their treaties for peace were carried on under the eye of the French court. This began to appear towards the conclusion, when Mr. Hartley refused going to Versailles, to sign there with the other Powers our definitive treaty, and insisted on its being done at Paris, which we, in good humor, complied with, but at an earlier hour, that we might have time to acquaint Le Comte de Vergennes, before he was to sign with the Duke of Manchester. The Dutch definitive treaty was not then ready, and the British Court now insisted on finishing it either at London or the Hague. If, therefore, the commission to us, which has been so long delayed, is still intended, perhaps it will be well to instruct us to treat either here or at London, as we may find most convenient, the treaty may be conducted even there in concert, and in the confidence of communication with the Ministers of our friends, whose advice may be of use to us.

With respect to the British Court, we should, I think, be constantly upon our guard, and impress strongly upon our minds, that though it has made peace with us, it is not in truth reconciled either to us or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe, or some disunion among ourselves, may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the Ministerial newspapers, (light things indeed as straws and feathers, but like them, they show which way the wind blows,) and by the malignant improvement their Ministers make in all the foreign Courts, of every little accident or dissension among us: the riots of a few soldiers at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes, &c., &c., all which are exaggerated to represent our governments as so many anarchies, of which the people themselves are weary, the Congress as having lost its influence, being no longer respected; I say it is easy to see from this conduct that they bear us no good will, and that they wish the reality of what they are pleased to imagine. They have, too, a numerous royal progeny to provide for, some of whom are educated in the military line. In these circumstances we cannot be too careful to preserve the friendships we have acquired abroad, and the union we have established at home, to secure our credit by a punctual discharge of our obligations of every kind, and our reputation by the wisdom of our councils, since we know not how soon we may have a fresh occasion for friends, for credit, and for reputation.

The extravagant misrepresentations of our political state, in foreign countries, made it appear necessary to give them better information, which I thought could not be more effectually and authentically done than by publishing a translation into French, now the most general language in Europe, of the book of Constitutions, which had been printed by order of Congress; this I accordingly got well done, and presented two copies, handsomely bound, to every foreign Minister here, one for himself, the other, more elegant, for his sovereign. It has been well taken, and has afforded matter of surprise to many who had conceived mean ideas of the state of civilization in America, and could not have expected so much political knowledge and sagacity had existed in our wilderness; and from all parts I have the satisfaction to hear that our Constitutions in general are much admired. I am persuaded that this step will not only tend to promote the emi-

gration to our country of substantial people from all parts of Europe, by the numerous copies I shall disperse, but will facilitate our future treaties with foreign Courts, who could not before know what kind of Government and people they had to treat with. As, in doing this, I have endeavored to further the apparent views of Congress in the first publication, I hope it may be approved and the expense allowed. I send herewith one of the copies.

Our treaties with Denmark and Portugal remain unfinished, for want of instructions respecting them from Congress, and a commission empowering some Minister or Ministers to conclude them.

The Emperor of Morocco, we understand, has expressed a disposition to make a treaty of amity and commerce with the United States. A Mr. Montgomery, who is a merchant settled at Alicant, has been, it seems, rather forward in proposing a negotiation without authority for so doing, and has embarrassed us a little, as may be seen by some letters I enclose. Perhaps it would be well for Congress to send a message to that Prince, expressing their respect and regard for him, till such time as they may judge it convenient to appoint an ambassador in form, furnished with proper presents, to make a treaty with him.

The other Barbary States, too, seem to require consideration, if we propose to carry on any trade in the Mediterranean, but whether the security of that trade is of sufficient importance to be worth purchasing, at the rate of the tributes usually exacted by those piratical States, is a matter of doubt, on which I cannot at present form a judgment.

I shall immediately proceed, in pursuance of the first instructions, to take the proper steps for acquainting his Imperial Majesty of Germany with the disposition of Congress, having some reason to believe the overture may be acceptable. His Minister here is of late extremely civil to me, and we are on very good terms; I have likewise an intimate friend at that Court. With respect to other Powers, it seems best not to make advances at present, but to meet and encourage them when made, which I shall not fail to do, as I have already done with those of Sweden, Denmark, and Portugal. Possibly Hamburg, to whom I have forwarded the letter of Congress, may send a Minister to America, if they wish for a treaty, to conclude it there. They have no Minister here.

I have lately received a memorial from the Minister of Denmark,

respecting a ship of that nation, the *Providentia*, taken by one of our privateers, and carried into Boston ; I enclose a copy of it, and request to be furnished with directions and informations for the answer. It may be well to send me a copy of the proceedings in the courts ; from a perusal of the papers communicated with it, I am satisfied that the cargo was clearly British property. We have hitherto entered into no engagements respecting the armed neutrality, and in obedience to the fifth instruction, shall take care to avoid them hereafter.

The treaty between this Court and the United States, for regulating the powers, privileges, &c., of Consuls, is at length completed, and is transcribing in order to be signed. I hope to transmit a copy by the next packet.

I have received the Congress ratification of the two money treaties, which will be soon exchanged, when I shall send copies of them, with that of Sweden.

I have given, and shall continue to give, Captain Paul Jones all the assistance in my power, towards recovering the prize money ; and I hope it may be soon accomplished. When Mr. Jay returns, I shall desire him to make the enquiry directed in the fourth instruction, respecting the expedition under that Commodore, and report thereon to Congress. In the meantime I can answer respecting one of the questions, that the King paid the whole expense, and that no part of it has ever been placed to the account of Congress.

There exists, indeed, a demand of one Puchelberg, a person in the employ of Mr. Schweighauser, of about thirty thousand livres, for provisions and other things furnished to Captain Landais, after he took the Alliance out of the hands of Captain Jones ; but, as the ship was at that time under the King's supply, who, having borrowed her for the expedition, when fitted for sea, and just ready to sail with Mr. Adams, had ordered her to be delivered in the same condition, free of all charges, accrued or accruing by her being in Holland, and in L'Orient ; and as Mr. Puchelberg had not only no orders from me to furnish Captain Landais, but acted contrary to my orders given to Mr. Schweighauser, and contrary to the orders of Mr. Schweighauser himself, I refused to pay his account, which, besides, appeared extravagant, and it has never yet been paid.

I shall do my best in executing the third instruction, respecting our claim upon Denmark ; I have written to London, to obtain, if possi-

ble, an account of the sums insured upon the ships delivered up, as such an account may be some guide in the valuation of the prizes.

A Captain Williams, formerly in the British service, and employed upon the Lakes, has given me a paper containing information of the state of the back country. As those informations may possibly be of some use, I send herewith the paper.*

Mr. Carmichael has sent me the accounts of the money transactions at Madrid; as soon as Mr. Jay returns they will be examined.

Be pleased to present my dutiful respects to Congress, and assure them of my most faithful services.

With great esteem and regard, &c.,

BENJAMIN FRANKLIN.



THOMAS BARCLAY TO JOHN JAY.

L'Orient, October 20, 1783.

Sir,

As it is a considerable time since I had the honor of any commands from the Office of Foreign Affairs, I have not anything to reply to. The readiness of this Court to establish a free port in France, agreeably to the treaty with America, is now spoken of; and I believe, if any requisition for that purpose was made by Congress, or by the American Ministers, that it would be readily complied with—therefore, if such a measure is thought proper, I would recommend that the port of L'Orient should be asked as the one better adapted to the views of the Americans than most others, and superior to any that there is a probability of obtaining. Indeed, taking everything together, I do not believe a more commodious situation could be found, especially if another war should break out between America and Great Britain.

L'Orient is situated in the Bay of Biscay, between the entrance of the harbors of Brest and Nantes, being twenty-five leagues nearly southeast of the former, and about as much to the northwest of the latter, west longitude from the meridian of London $3^{\circ} 22'$, north latitude $47^{\circ} 55'$, and about eight miles from the Isle of Groix, which forms the entrance of the harbor; it is defended by the fort at port

*Missing.

Louis, two English miles from L'Orient, where ships of war can pass only one after another, and so near the fort as to be completely under the command of its fire, which, most probably, would oblige an enemy's vessel to ground. The road at Port Louis, within the citadel, is not capable of containing more than two or three ships of war, where so many may ride at the moorings; but a greater number would be in danger, if it blew hard from the west or west southwest. Ships that draw twenty-four feet water may pass up to the harbor of L'Orient with safety; those employed in the China trade generally require from twenty to twenty-two feet, and no accident has been known to happen to them. The harbor is capacious; and in the month of August, 1781, there arrived from the West Indies a fleet of one hundred and thirty-five sail, at a time when there was a remarkable number of foreign vessels there, and all were accommodated. The town may be said to be divided from the King's port, where the men of war are built, the public supplies of all kinds kept, and the arsenal and India stores situated. The magazines there have ever been much at the command of the Americans, either in affording them receptacles for the cargoes of their ships, or in supplying them with whatever materials they wanted from the collections made for the use of the King. This port, during the war, employed about four thousand workmen, and is under the direction of the Marine Minister, represented by the Commandant who lives on the spot, and who conform to the marine ordinances; the number of troops generally there is from fifteen hundred to three thousand, from whence the regiments abroad are often recruited. When any criminal offence is committed in that district, the judges of the admiralty have cognizance thereof, and in their decision are governed by the laws of the kingdom; but, in default of their interference, the regal judges at Hennebon may interpose and bring the matter before them.

The town consists of about twelve hundred houses, and is very populous; the number of inhabitants, including the soldiers and artificers in the port, said to be near twenty thousand.

The regulations in the town are under the inspection of the Mayor and his Council. His office, which is purchasable, empowering him to choose such Council; but neither he nor they can interfere in criminal cases, which come under the jurisdiction of the judges or Senechals of the town, who decide agreeable to the law and ordinances. In actions of debt, those that are laid for matters in a marine

department, such as fitting out ships, &c., the judges of the admiralty have the sole decision of; all other suits for debt are brought before the three Consuls of the town, (one of whom is chosen annually by a select number of the inhabitants,) who can decide, without appeal, for any sum not exceeding five hundred livres; if the demand exceeds that, an appeal lies to the parliament of Rennes, and from thence to the King and Council.

L'Orient had the exclusive privilege of trading to the East Indies; but the company is dissolved, and the King has permitted three ships to be fitted out upon actions disposed of at Marseilles, Bordeaux, Nantes, and L'Orient, and each place has a right to nominate a director to take care of the management of the trade; this business, however, goes on very heavily, and it is supposed the India commerce will return to its old channel, either by the re-establishment of the company, or by confining the trade to L'Orient. The place is conveniently situated for the transportation of goods from the other ports of France, from the rivers Garonne and Loire particularly, the last of which is navigable, for large boats of a particular construction, as high up as Orleans. The freight from Bordeaux is no more than from ten to twelve livres per ton, and from Nantes six. Nature has done a great deal for the port of L'Orient, and very extensive improvements may be made, if the increasing trade of the place requires it; and already the India and other stores afford conveniences for a more extended commerce than the place now carries on. The genius of the people seems adapted to business. There are no nobility of any kind living among them; and any person keeping a house three months is entitled to all the commercial advantages of the place. The greatest objection that has been made is, that if the India company is re-established, the regulations that will probably exist, respecting their trade, will be incompatible with those of a free port, in the extended sense of the word, and that the place is already too considerable to admit the total extinction of all its duties. To the first it may be replied, that although L'Orient shall be declared free, it may be with the limitation that if the India trade again centres there, the customary duties of five per cent. hitherto paid by French subjects, shall be continued; and to the last, that the advantages by the country will far over-balance the relinquishment of the present imposts.

I have been applied to by the ministry for my opinion of what

would be agreeable to the Americans on this subject; and my answer was, that, so far as I could venture to judge, if the Court intended to give proper encouragement to the trade of the two countries, it would be by making L'Orient free for the general trade of America—to continue Dunkirk so, for that to the Channel, &c.—to remove the few restrictions that exist at Marseilles, for the sake of the trade to the Mediterranean—and to open Bayonne, on account of the commerce that might be introduced to the adjoining parts of Spain. At the same time I added, that I looked upon L'Orient as the place of most consequence, and that it would be absolutely necessary to abolish the transient duties paid on the transportation of manufactures from one province to another.

Painbeuf, Rochefort, and Bayonne, were mentioned; to which I objected, that Painbeuf was entirely destitute of accommodations for the reception or expediting of goods, a beach without quay, wharf, or other convenience for landing—Rochefort unhealthy and unprepared—Bayonne a bar harbor; and that I thought the concurrence of Congress would be necessary before any port was absolutely fixed on; and I have the pleasure to find my sentiments are uniform throughout with those of all my countrymen whom I have consulted on this important point.

The Marquis de la Fayette, who takes a kind concern in every thing relative to America, wrote some time ago to the Count de Vergennes to know what the Court of France intended, respecting the extent and liberty of the free port, when one should be made; to which, as nearly as I recollect, Mr. De Vergennes answered, that it would be as totally free in its commercial regulations as if it did not belong to the kingdom.

I have been led to trouble you with a long letter, but I hope it will not be found foreign to my instructions or duty, and conclude,

Sir, your most obedient, &c.,

THOMAS BARCLAY.



THOMAS BARCLAY TO JOHN JAY.

L'Orient, November 14, 1783.

Sir,

Having had the honor of addressing you the 20th past, on the

subject of a free port in France, I must call your attention again to a very important matter, in which, if Congress have not hitherto taken some measures, I beg leave to recommend it to their consideration. I mean a treaty of amity with the several States on the coast of Barbary, where, I believe, with some attention and the usual presents which must accompany an embassy thither, the American trade to the Mediterranean might be put on a safe and respectable footing, in place of the very precarious one in which it now exists; during a stay of a few days that I lately made in London, a person who had resided many years at Mequinez, was recommended to me, as a proper one, to give me some information concerning this matter. He produced testimonials from the Emperor, attesting the goodness of his character, and offered any assistance in his power to negotiate an alliance, either by going to Barbary, to know the precise terms on which it could be obtained, or by accompanying, as an interpreter, any person sent on this business by Congress. He said, that he supposed the expense of the whole of the presents necessary for the different States might be about two thousand pounds sterling; I took his directions, in case there should be occasion to employ him. But I do not think it would be by any means proper to employ him or any other person as a principal in the service, except a subject of the United States; and I flatter myself that Congress have already ordered, or will very soon order, some of their servants on this business, as not only the property of the citizens of America, but their personal liberty depends on its being done, and I know not one public object now existing of more importance.

I have reason to believe that this court will readily give assistance agreeably to the treaty, in accomplishing this very essential affair, and I remain,

Sir, your most obedient, &c.,

THOMAS BARCLAY.

Extract from the Secret Journal of Foreign Affairs, April 16th, 1784.

“The Minister Plenipotentiary of France having, on the 6th, transmitted to Congress a letter, dated the 13th August, 1783, from his most Christian Majesty, in answer to their letter of the 14th June, 1779, and accompanied the same with a memorial, informing Con-

gress that the portraits of the King and Queen are arrived at Philadelphia; that he has orders to present them to this Assembly, and has taken the measures necessary for their safe-keeping until Congress shall be ready to receive them; the said letter and memorial were referred to the consideration of a Committee.

On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson, and Mr. Read, to whom were referred the letter of the 13th August, from his most Christian Majesty, and the memorial from the Honorable the Minister Plenipotentiary of France,

Resolved, That the following letter be signed by the President in behalf of the United States in Congress assembled, and transmitted to his most Christian Majesty, in answer to his letter accompanying the portraits of his Majesty and of his Royal Consort, which he has been pleased to present to Congress:

Great, faithful, and beloved Friend and Ally,

Your Majesty's letter of the 13th August last, has been received by the United States in Congress assembled, with a degree of satisfaction and pleasure which those only can conceive who, to the highest sentiments of respect, unite feelings of the most affectionate friendship.

The portraits of your Majesty, and of your Royal Consort, having arrived at Philadelphia, have been carefully preserved by your faithful Minister, the Chevalier de la Luzerne, whose attention on this, as on all other occasions, merits the acknowledgments of Congress.

These lively representations of our august and most beloved friends will be placed in our Council Chamber, and can never fail of exciting in the minds of every American, an admiration of the distinguished virtues and accomplishments of the royal originals.

We beseech the Supreme Ruler of the universe constantly to keep your Majesty, and your Royal Consort, in his holy protection, and to render the blessings of your administration as extensive as the objects of your Majesty's benevolent principles.

Done at Annapolis, in the State of Maryland, this 16th day of April, 1784, by the United States in Congress assembled.

Your faithful Friends and Allies.

Resolved, That the President inform the honorable Minister of France, that Congress have a due sense of the care which he has

taken for preserving the portraits; and are desirous they may continue in his possession until proper places can be provided for them.

That a letter be addressed by the President to the Supreme Executives of the several States, informing them of the intelligence communicated by the Minister of France, to wit: 'That his most Christian Majesty has determined that L'Orient shall be a free port; and, although the edict is not published, may be so considered by the citizens of the United States. And that the merchants of the United States likewise enjoy the liberty of frequenting the ports of Marseilles and Dunkirk; and participate as other nations, the franchises and privileges of these two places.'

That the Minister of France, in answer to his letter of the 9th instant, requesting to know what measures had been taken by the United States relative to the payment of the portions of the principal and interest of the loan of eighteen millions of livres, furnished by his most Christian Majesty, and also of five millions of florins supplied in Holland, and guarantied by his Majesty, be informed that, as all the Legislatures have not yet passed on the recommendation of Congress, of the 13th April, 1783, for establishing permanent funds, supplementary requisitions on the States will be adopted, to provide for the interest of the loans aforesaid for the present year; and that the greatest care will be taken by subsequent measures for the punctual payment of the principal and interest, as they may respectively become due, according to the terms of the several contracts."



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO THE GOVERNORS
OF STATES.

Circular.

Annapolis, April 21, 1784.

Sir,

I have the honor to inform your Excellency, that by intelligence communicated to Congress by the Minister of France, his most Christian Majesty has determined that L'Orient shall be a free port, and although the edict is not published, may be so considered by the citizens of the United States; and that the merchants of the United

States likewise enjoy the liberty of frequenting the ports of Marseilles and Dunkirk, and participate as other nations the franchises and privileges of these two places.

I have the honor to be, &c.,

THOMAS MIFFLIN.



CHEV. DE LA LUZERNE TO THE PRESIDENT OF CONGRESS.

Translation.

Annapolis, April 9th, 1784.

Sir,

I have the honor to communicate to your Excellency, an extract from a letter which I received from Count de Vergennes, dated the 24th of December last.

I received orders at the same time to inform his Majesty's Ministers of the measures which have been taken by the United States, relative to the payment of portions of the principal, and of the interest, of the sums which have been loaned them by the King. I make mention, sir, of portions of the capital, because, by the terms of the contract of the 16th of July, 1784, the reimbursement of the first loan of eight millions, is to begin three years after the peace, and it is expedient to take seasonable measures with regard to this subject.

I am also to inform my Court of the arrangements which have been made for the payment of interest on the loan of five millions of florins, made in Holland, the 5th November, 1781, and for which his Majesty became guarantee. I know the efforts of Congress to effect the discharge of the public debt, and their wish to fulfill their engagements; and I consider it superfluous to recall to your Excellency all the motives which combine to induce the United States to fulfill faithfully those which they have contracted with the King. I confine myself to desiring you to enable me to dissipate the uneasiness which may have been excited at my Court by the delay in proceeding to raise funds to effect the payment of this debt.

I am with respect, sir, &c.,

LUZERNE.

COUNT DE VERGENNES TO M. DE LA LUZERNE.

Translation.

Versailles, December 24, 1783.

Sir,

His Majesty has decided irrevocably, that the port of L'Orient shall be free, and American sailors may actually consider it so. The edict of the King has not yet been published, however, because his Majesty's intention being to give this arrangement as wide an extent as possible, the regulations should be drawn up after a careful deliberation, and conceived in such terms that the advantages allowed to the merchants of the United States may not be essentially prejudicial to our own commerce and the revenues of the State.

The merchants of the United States enjoy equally the liberty of frequenting the ports of Marseilles and Dunkirk, and they partake, like other nations, in the immunities and privileges of these two places.

DE VERGENNES.



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO THE MINISTER OF FRANCE.

Annapolis, April 21, 1784.

Sir,

I have the honor to inform your Excellency, that Congress have a due sense of the care you have taken for preserving the portraits of his most Christian Majesty and his royal consort, and that they are desirous they may continue in your possession until proper places can be provided for them.

In answer to your Excellency's letter of the 9th instant, I am instructed to assure you that, as all the Legislatures have not yet passed on "the recommendations of Congress of the 13th of April, 1783, for establishing permanent funds, supplementary requisitions on the States will be adopted to provide for the interest of the loans aforesaid for the present year; and that the greatest care will be taken, by subsequent measures, for the punctual payment of the

‘principal and interest as they may respectively become due, according to the times of the several contracts.’”

I have the honor to be, &c.,

THOMAS MIFFLIN.



FROM THE CHEVALIER DE LA LUZERNE TO PRESIDENT OF CONGRESS.

Translation.

Annapolis, April 21, 1784.

Sir,

In the course of last summer I requested leave of his Majesty to return to France. By letters from my friends I am informed that it is granted. But the loss of the packet which conveyed the Minister's letter, lays me under the necessity of writing again on that subject. I should have waited his answer before I took leave of Congress, had I not reason to believe that it will not reach till their recess. I cannot, however, depart without entreating your Excellency to communicate to them my warm acknowledgments for the manner in which they have treated with me during my mission, which has lasted near five years. I have had the satisfaction of agreeing with Congress on all the subjects which I had the honor of negotiating with them; and owe my success to the good fortune I had of being the representative of a just and generous monarch to a wise and virtuous republic. I shall ever retain a grateful remembrance of this; and shall always consider the time I have spent on this continent as the most honorable period of my life. My satisfaction would be complete, were it not accompanied with regret at parting from a Senate composed of members on whose friendship, I flatter myself, I have a just claim by an intimate acquaintance of several years. Your Excellency permits me to rank you among those who honor me with their friendship; and I am persuaded that the expression of my attachment and respect for Congress will lose nothing of its force if you will be pleased to convey it.

The letters by which I have received advice of my having obtained leave to return, inform me, also, that Mons. de Marbois will be his Majesty's Chargé d'Affaires with the United States. His zeal and his attachment for the cause which unites France and America are

well known to Congress; and I have not the least doubt but his Majesty's choice will be agreeable to that assembly.

I am, sir, with great respect, &c.,

LE CHE. DE LA LUZERNE.



Extract from the Secret Journal of Foreign Affairs, May 17th, 1784.

“On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson, and Mr. Williamson, to whom was referred a letter of the 21st April, from the Honorable the Minister of France, informing that in the course of last summer he had requested his Majesty's leave to return to France, and had reason to believe it was granted, though he had not received official information; and that his Majesty had fixed upon Mons. De Marbois to be his Chargé d'Affaires with the United States,

Resolved, That the following answer be returned:

Sir,

The United States of America in Congress assembled are informed, by the letter which you were pleased to address to them the 21st of April, that having the last year requested of his Majesty leave to return to France, you learn it has been granted, but that the official letter of the Minister being lost, you expect a duplicate, which will probably arrive in the recess of Congress.

It is with great concern, sir, that Congress receive this information, as it respects a Minister for whom they entertain the most perfect esteem.

From the time of your arrival in America to the signing of the provisional treaty, the conduct of the war has been attended with numerous difficulties and perils, to surmount which the joint efforts of the United States and of their great and good ally have been necessary.

Congress consider it as a fortunate circumstance, that during that period the affairs of his most Christian Majesty in this quarter have been under the direction of an able and faithful Minister, whose anxiety to promote the views and essential interests of his Sovereign, has been ever attended with a laudable endeavor to reconcile them

to those of his allies. Without such a disposition, it is evident there could not have existed a concert of those measures which, by the smiles of Providence, have hastened the conclusion of the late distressing war.

The abilities of the gentleman who, as you are informed, is to be charged with the affairs of your department, and his thorough knowledge of the principles on which the alliance was founded, will, we doubt not, conspire to produce on his part such measures as will best promote the mutual interest of the two nations.

We now, sir, bid you an affectionate adieu, with the fullest assurance that you will be happy in the smiles and approbation of your royal sovereign; and we sincerely wish that you may be equally so in an interview with your friends, and in your future engagements."



REPORT OF A COMMITTEE.

Extract from the Journals of Congress, April 30, 1784.

"Congress took into consideration the report of a Committee, consisting of Mr. Gerry, Mr. Read, Mr. Williamson, Mr. Chase, and Mr. Jefferson, to whom were referred sundry letters and papers relative to commercial matters, and the following paragraph being under debate:

That it be recommended to the Legislatures of the several States to vest the United States in Congress assembled, for the term of fifteen years, with a power to prohibit any goods, wares, or merchandize from being imported into any of the States, except in vessels belonging to and navigated by citizens of the United States, or the subjects of foreign Powers with whom the United States may have treaties of commerce.

The report being amended, was agreed to, as follows:

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States; the situation of commerce at this time claims the attention of the several States, and few objects of greater importance can present themselves to their notice; the fortune of every citizen is interested in the success thereof; for it is the constant source of wealth and



incentive to industry, and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain adopted regulations destructive of our commerce with her West India Islands; there was reason to expect, that measures so unequal and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce, but their powers on this head are not explicit; and the propositions made by the Legislatures of the several States, render it necessary to take the general sense of the Union on this subject.

Unless the United States in Congress assembled, shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade: and without these, our foreign commerce must decline, and eventually be annihilated. Hence it is necessary that the States should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of equality, may be restrained.

That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it hereby is, recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares, or merchandize, from being imported into, or exported from, any of the States in vessels belonging to, or navigated by, the subjects of any Power with whom these States shall not have formed treaties of commerce.

Resolved, That it be, and hereby is, recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign State, Kingdom, or Empire, unless authorized by treaty, from importing into the United States any goods, wares, or merchandize, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Provided, That to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine States shall be necessary."

Extract from the Secret Journal of Foreign Affairs, May 3d, 1784.

“*Resolved*, That a copy of a letter of the 29th of June last, from the Count de Vergennes, and one of the 9th January last from Monsieur de Calonne to the Marquis de la Fayette, respecting free ports in France, be entered on the Journal; and, when published, transmitted to the Supreme Executives of the several States.

The letters being translated, are as follows:

Translation.

Versailles, June 29, 1783.

Sir,

I have received the letter which you did me the honor to write on the 17th of this month. You desire to know what is meant by *free port*.

By this term, sir, we mean a place to which all merchandizes, as well foreign as domestic, may be imported, and from which they may be freely exported—you will judge, sir, by this definition, that all the merchandize of the north, without exception, may be imported into L'Orient and exported from it by the Americans. In a word, L'Orient will be reputed foreign with regard to France, as far as it respects commerce. The prohibition and duties upon foreign merchandize will take effect only in case any person desires to introduce into the interior parts of the realm the merchandizes subject to the one or the other.

I have the honor to be, &c.,

DE VERGENNES.

MONS. THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, January 9, 1784.

Sir,

I have communicated to the King the observations contained in the memoir which you transmitted to me, relative to the commerce of America, and those which you made at our last conference.

I am authorized to announce to you, that it is the intention of his Majesty to grant to the United States the ports of L'Orient and Bayonne, as free ports; and besides these, that of Dunkirk and that

of Marseilles, the first of which enjoys absolute freedom, and the other is restrained in the exercise of that freedom only with regard to tobacco, which is there subjected to a duty. The Americans may, from this moment, send their vessels to those four ports, where they will not meet with any kind of difficulty. You may, if necessary, explain what is meant by free ports, agreeably to the signification thereof given by Monsieur de Vergennes, in his letter of the 29th June last. The Americans will find, above all, at Dunkirk, all the facilities they can desire for the sale of their leaf tobacco, their rice, their timber, and other merchandize, as well as for the purchase of what they want; such as linens, woolens, brandy, &c. It is proposed to establish stores and magazines there, which shall be well supplied, on terms very advantageous for their commerce. I have given orders to the farmers general to treat in preference, and at a reasonable price, for the purchase of the tobaccos of North America. And moreover, the United States will be as much favored in France in matters of commerce as any other nation. The complaints which they may make to you, or which Mr. Franklin, and the other American Ministers, which I would be very glad to see, may transmit to me on their behalf, shall be examined with great attention; and government will not suffer them to experience any kind of vexations. Every possible precaution will also be taken to prevent the sending out bad merchandize, which, if it has hitherto taken place, can only be attributed to the avarice of some merchants of the lowest order. I am going immediately to examine what relates to the customs and duties which hurt commerce. This is an important subject, and requires great attention. In fine, sir, you may rely that I shall be always disposed, as well as Monsieur the Marshal de Castries, and Monsieur the Count de Vergennes, to receive and listen with attention to the demands and further representations which you shall think proper to make in favor of the commerce of America.

I have the honor to be, &c.,

DE CALONNE.

P. S. The ports of Bayonne and L'Orient will be made similar to that of Dunkirk with regard to entire freedom.

MONSIEUR THE MARQUIS DE LA FAYETTE.

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO THOMAS JEFFERSON.

Annapolis, May 20th, 1784.

Sir,

I herewith transmit to you the several acts of Congress which relate to the formation of treaties of commerce with the Powers of Europe, &c. And as I have not had it in my power to find out in what manner the letter to the King of France should be directed, I have enclosed that letter to you, that upon your arrival in France it may be presented with the proper direction.

I wish you every success and satisfaction in the important scenes you are going to be engaged in, and am, with much esteem and attachment,

Dear sir, your obedient, &c.,
THOMAS MIFFLIN.



FROM THOMAS MIFFLIN TO JOHN ADAMS AND BENJAMIN FRANKLIN.

Annapolis, May 20th, 1784.

Gentlemen,

I have the honor to transmit to you the following acts of Congress, relating to the formation of commercial treaties, &c., viz :

No. 1. Letters to the Ministers Plenipotentiary at the Courts of Versailles and Madrid, dated 17th of October, 1780.

No. 2. Instructions to the Ministers of the United States for making peace with Great Britain, dated May 30th, 1783.

No. 3. Instructions to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, &c., dated the 29th of October, 1783, May 7th, 1784, and May 11th, 1784.

No. 4. Instructions to the Ministers of the United States at the Court of Madrid, dated May 3d, 1784.

I also transmit to you the papers relating to the detention of the schooner Nancy, referred to in the instruction of May 11th, 1784.

I have the honor to be, with the greatest respect and esteem,

Your obedient, &c.,
THOMAS MIFFLIN.

Extract from the Secret Journal of Foreign Affairs, May 7th, 1784.

“Mr. John Jay was elected Secretary for Foreign Affairs, having been previously nominated by Mr. Gerry.

On motion of Mr. Hardy, seconded by Mr. Gerry,

Resolved, That a Minister Plenipotentiary be appointed in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of commerce.

Congress proceeded to the election, and the ballots being taken, Mr. Thomas Jefferson was elected, having been previously nominated by Mr. Hardy.

On the report of the Committee, to whom was recommitted their report on sundry letters from the Ministers of the United States in Europe, Congress came to the following resolutions :

Whereas, instructions bearing date the 29th day of October, 1783, were sent to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe :

Resolved, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated :

1st. That each party shall have a right to carry their own produce, manufactures, and merchandize in their own bottoms to the ports of the other, and thence the produce and merchandize of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions ; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions ; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own

bottoms, the produce and merchandize thereof to their States directly ; and for these States to carry in their own bottoms their produce and merchandize to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the Federal Constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance ; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed, and inhabiting unfortified towns, villages, or places, who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall ; but if any thing is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price ; and all merchants and traders, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain, and more general, shall be allowed to pass free and unmolested ; and neither of the contracting Powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the

loss such arrest shall occasion to the proprietors; and it shall be further allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the contracting parties shall happen to be engaged in war with any other Power, all goods, not contraband, belonging to the subjects of that other Power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing Power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said port; and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time, to the persons aggrieved and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would, by their laws, descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratifications.

9. That these instructions be considered as supplemental to those of October 29th, 1783, and not as revoking, except when they contradict them. That where, in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many

nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands, and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis, and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our Ministers, to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance of our situation, have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his Minister, they do therein what is for the honor and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin, and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years."

Extract from the Secret Journal of Foreign Affairs, May 11th, 1784.

"The report of the Committee on the letter from the Ministers of the United States in Europe being amended, was agreed to, as follows :

Resolved, That our said Ministers, to be commissioned for treating with foreign nations, be referred to the instructions of the 30th day of May, 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.

That they require, with firmness and decision, full satisfaction for all slaves and other property belonging to citizens of these States, taken and carried away in violation of the preliminary and definitive articles of peace; and to enable them to do this on precise grounds, Congress will furnish them with necessary facts and documents.

Resolved, That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his Sovereign and State; but that the subject of his application to Doctor Franklin being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several States individually.

That Doctor Franklin be instructed to express to the Court of France the constant desire of Congress to meet their wishes; that these States are about to form a general system of commerce, by treaties with other nations; that, at this time, we cannot foresee what claims might be given to those nations, by the explanatory propositions from the Count de Vergennes, on the second and third articles of our treaty of amity and commerce with his most Christian Majesty; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

Resolved, That the papers containing the claim of the five Fosters, brothers, for the prize of their vessel, the Three Friends, made by Captain Landais, of the Alliance frigate, which papers were communicated by the Count de Vergennes to Doctor Franklin, to the end that he might apply to Congress for an indemnification of the said Fosters, be remitted to the said Ministers with a copy of the fourth clause of the instructions to them, of October 29th, 1783, and the following extract from Doctor Franklin's letter of July 22d, 1783, to the Secretary for Foreign Affairs, viz: 'Mr. Barclay has in his hands the affair of the Alliance and Bon Homme Richard. I will afford him all the assistance in my power; but it is a very perplexed business. That expedition, though, for particular reasons, under American commissions and colors, was carried on at the King's expense, and under his orders. M. De Chaumont was the agent

‘appointed by the Minister of Marine to make the outfit. He was also chosen by all the captains of the squadron, as appears by an instrument under their hands, to be their agent, receive, sell, and divide prizes, &c. The Crown bought two of them at public sale; and the money, I understand, is lodged in the hands of a responsible person at L’Orient. M. De Chaumont says he has given in his accounts to the Marine, and that he has no more to do with the affair, except to receive a balance due to him. That account, however, is, I believe, unsettled; and the absence of some of the captains is said to make another difficulty, which retards the completion of the business. I never paid nor received anything relating to that expedition, nor had any other concern in it than barely ordering the Alliance to join the squadron, at M. De Sartine’s request.’ From which extract there is reason to believe the United States of America had no concern in the expedition; but that it was carried on wholly under the authority and for the advantage of his most Christian Majesty. That if this fact should not be so apparent as to give full satisfaction to his Majesty’s Ministers, they then can take such measures as in their discretion shall be thought most conducive to an amicable and equitable adjustment thereof, on the best evidence they shall be able to procure.

Resolved, That the claim of the Sieur Bayard against these United States, for the sum of two hundred and fifty-five thousand two hundred and thirty-six dollars, continental money, is not founded in justice, from the circumstances of the case as stated by himself, which are, that a vessel and cargo, in which he was interested, sailing in May, 1779, from Charleston for France, was taken by an English armed vessel, and retaken by an American frigate called the Boston; that she was carried to Boston, and there sold as French property by Mons. de Valnais, Consul for France at that port; that he unfaithfully and irregularly, as is suggested, endeavored to have the whole adjudged to the recaptors, but that the sentence was, that they were only entitled to one eighth, and the Sieur Bayard’s correspondents obliged M. de Valnais to deposit with the Consul of France in Philadelphia two hundred and fifty-five thousand two hundred and thirty-six dollars, continental money, in part of the proceeds, with a reserve to the Sieur Bayard, against Mons. de Valnais, of every right of redress for his irregular conduct; that no injurious intermeddling by the United States, or any of them, or by any of

their citizens, is here complained of; that the money was constantly in the hands of the Sieur Bayard's correspondents, or of the Consul of his nation; that he may indeed have suffered by its depreciation, as many others have suffered, both foreigners and citizens, but the latter in a much higher degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the money, (which yet has been frequently practised by European States, who never have thought themselves bound to make good the losses thereby incurred, either by their own citizens or by foreigners,) but ensued against the will and the unremitting endeavors of Congress; that in this case, too, it might have been lessened, if not prevented, by investing the money immediately in gold and silver, or in other commodities. Congress are therefore of opinion, that these States are not bound to make good the loss by depreciation.

That, as to the residue of the claims of the Sieur Bayard, if founded in truth and right, they lie only against the State of Georgia, to the Governor of which Congress will transmit copies of the papers, expressing, at the same time, our confidence that that State will cause to be done in it what justice and the respect due between friendly nations require, and that the Sieur Bayard be referred to them.

Resolved, That the friendly services rendered by the Sieur John Baptiste Pequet, agent for the French nation at Lisbon, to great numbers of American sailors carried prisoners into that port during the late war, and his sufferings on that account, merit the sincere acknowledgments of Congress; and that it be referred to the said Ministers to deliver him these in honorable terms, and to make him such gratification as may indemnify his losses and properly reward his zeal."

"*Resolved*, That the papers relating to the detention of the schooner Nancy, Captain Gladden, belonging to the citizens of the United States residing in North Carolina, be transmitted to our Ministers for negotiating treaties with foreign Powers; and that they be instructed to make inquiry into the cause of the seizure and detention of the said schooner and her cargo; and if it shall appear that she has been unjustly detained, to demand the release of the vessel and the restoration of her cargo, with adequate damages for her detention."

"*Resolved*, That the form of the commission to the Ministers for negotiating treaties of amity and commerce, or of amity, be as follows:

The United States of America in Congress assembled; to all to whom these presents shall come, or be made known, send greeting:

Whereas, an intercourse between ————— and the citizens of the United States of America, founded on principles of equality, reciprocity and friendship, may be of mutual advantage to both nations: Now, therefore, know ye, that we, reposing special trust and confidence in the integrity, prudence, and ability of our trusty and beloved, the honorable John Adams, late one of our Ministers Plenipotentiary for negotiating a peace, and, heretofore, a Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, the honorable Doctor Benjamin Franklin, our Minister Plenipotentiary at the Court of Versailles, and late another of our Ministers Plenipotentiary for negotiating a peace, and the honorable Thomas Jefferson, a Delegate in Congress from the State of Virginia, and late Governor of the said State, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint the said John Adams, Benjamin Franklin, and Thomas Jefferson, our Ministers Plenipotentiary, giving to them, or a majority of them, full power and authority for us, and in our name to confer, treat, and negotiate, with the Ambassador, Minister, or Commissioner of —————, vested with full and sufficient powers of and concerning (a treaty of amity, or a treaty of amity and commerce, as the case may be,) to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification. This commission to continue in force for a term not exceeding two years from the date hereof.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness his Excellency Thomas Mifflin, President, this twelfth day of May, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth."

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FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS.

Circular.

Annapolis, May 31, 1784.

Sir,

I have the honor to transmit to your Excellency an act of Con-

gress, of the 29th instant, relating to an insult offered to the person of Monsieur de Marbois, by a certain Monsieur de Longchamps.

By a letter received this day from the Supreme Executive of the State of Pennsylvania, it appears that the said Longchamps has been apprehended in consequence of a warrant issued by one of the Judges of the Supreme Court of Pennsylvania, and is now confined in the common jail at Philadelphia.

I have the honor to be, &c.,

THOMAS MIFFLIN.

Extract from the Secret Journal of Foreign Affairs, May 29th, 1784.

“On the report of a Committee, consisting of Mr. Gerry, Mr. Dana, and Mr. Howell, to whom was referred a note from the honorable the Minister Plenipotentiary of his most Christian Majesty, Congress came to the following resolution :

Whereas Congress have been informed by a note addressed to them by the Chevalier de la Luzerne, Minister Plenipotentiary of his most Christian Majesty of the 20th instant, and the papers accompanying the same, that a violation of the laws of nations hath been committed by one Longchamps, who calls himself Chevalier de Longchamps, a subject of his most Christian Majesty, by a violent assault and battery by him lately made in the city of Philadelphia, upon the person of Mr. Marbois, Consul General and Secretary to the above legation ; and that, although a warrant for apprehending the offender has been duly issued, in consequence of directions given by the President of the State of Pennsylvania, upon application to him made for that purpose by the said Minister, he has not yet been apprehended, but absconds ; and is supposed to have fled from justice into some other of the United States : wherefore, to the end the said Longchamps may be brought to condign punishment for his said offence, and that the privileges and immunities of foreign ministers, and of their families and houses, be preserved inviolate,

Resolved, That it be, and is hereby, recommended to the Supreme Executive authority of each of these United States, forthwith to issue their proclamations, offering a reward of five hundred dollars, to be reimbursed by the United States to the State paying the same, for

discovering the said Longchamps, so that he may be arrested; and requiring their proper civil officers to arrest him, and their citizens in general to be aiding and assisting therein, that he may be brought to justice for his said violation of the laws of nations and of the land, and all others may be deterred from the commission of such offences."

Translation.

The underwritten Minister has the honor to transmit to Congress sundry papers relative to a violation of the law of nations in the person of the Consul General and Secretary to his Majesty's legation to the United States. The underwritten immediately applied to the President of the State of Pennsylvania to have the culprit seized, and received the answer herewith enclosed. As Ministers, and persons attached to embassies and consulates, have an immediate right to the support of Congress, the underwritten applies to this assembly for their recommendation, as speedily as possible, to the Government of Pennsylvania, to take effectual measures, conformable to the laws of nations, for the solemn reparation of the offence committed on the person of the Consul General, and the violation of the privileges of the house of the underwritten. The offender is not yet apprehended; and it is possible he has fled into some other State in the confederacy: the underwritten Minister, therefore, entreats that Congress would be pleased to issue a like recommendation to all the other States in the Union.

LE CHEVALIER DE LA LUZERNE.

Philadelphia, May 20th, 1784.

Extract from the Secret Journal of Foreign Affairs, June 1st, 1784.

"A letter from the Supreme Executive Council of Philadelphia was read in the following words:

In Council, Philadelphia, May 28, 1784.

Sir,

Some days ago an insult was offered by a Frenchman to M. de Marbois, in the hotel of the Minister of France; and afterwards an assault was made upon him by the same person in a street of this city. The offender has been arrested by our direction, under the

warrant of a judge of the Supreme Court, and is now confined in the common prison, where we have ordered him to be detained. Our respect for Congress induces us to inform them of this affair; and we should have done ourselves the honor of making the communication sooner, but that the criminal was not in confinement till yesterday. We should be much pleased to be favored with the sentiments of Congress upon this business, being extremely desirous that our proceedings may correspond with their judgment, and to testify our determined resolution with all our powers to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest our entire regard for the representatives of the sovereignty of the Union.

With the most perfect esteem, &c.

JOHN DICKINSON.

His Excellency the PRESIDENT OF CONGRESS.

Whereupon the following was moved by Mr. Hand, seconded by Mr. Montgomery :

That Congress highly approve the determined resolution of the Supreme Executive Council of the State of Pennsylvania to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest their entire regard for the representatives of the sovereignty of the Union, expressed by their letter of the 28th instant."



FROM THOMAS MIFFLIN TO THE MINISTER OF FRANCE.

Annapolis, May 31, 1784.

Sir,

I have the honor to transmit to your Excellency an act of Congress of the 29th instant, passed in consequence of your note of the 20th instant. Congress are so well convinced of the necessity of securing to all foreign Ministers, resident in these States, every privilege and right to which they are entitled by usage or the laws of nations, that I am confident they will proceed, without delay, to a further consideration of the subject of your Excellency's several letters; particularly your last letter, which has been just received and referred to a committee, with instructions to report immediately.

Many important subjects which have been necessarily brought before Congress, since your Excellency left Annapolis, have hitherto prevented them from deciding on the reports respecting General De Kalb, &c.

I have the honor to be, &c.,

THOMAS MIFFLIN.

FROM RICHARD HENRY LEE TO BENJAMIN FRANKLIN, MINISTER PLENI-
POTENTIARY OF THE UNITED STATES, PARIS.

Trenton, December 11, 1784.

Sir,

I have the honor to enclose to your Excellency a packet for his most Christian Majesty, containing a letter from Congress to that Monarch, recommending an able and active friend, the Marquis la Fayette, to his royal favor. The Marquis's former and recent services to America deserve, and have secured to him, the warmest attachment of these United States.

I have the honor to be, &c.

RICHARD HENRY LEE.

FROM RICHARD HENRY LEE TO THE MARQUIS LA FAYETTE.

Trenton, December 11, 1784.

My dear sir,

I have the honor to enclose you a letter for the Minister Plenipotentiary of the United States, at the Court of his most Christian Majesty, which covers a letter to our great and good ally, a copy of which I have also the pleasure to enclose for your satisfaction. I assure you, my dear friend, that I feel myself singularly happy in observing the unanimous disposition that prevails in Congress to promote your glory, for I do most sincerely wish you every felicity that this world can afford.

I am, with unfeigned esteem, &c.

RICHARD HENRY LEE.

Extract from the Secret Journal of Foreign Affairs, December 9, 1784.

“The Committee, consisting of Mr. Jay, Mr. Williamson, and Mr. Hardy, to whom was referred a letter of the 6th, from the Marquis de la Fayette, reported :

That in the opinion of the Committee, the merit and services of the Marquis render it proper that such an opportunity of taking leave of Congress be afforded him as may strongly manifest their regard and esteem for him : whereupon,

Resolved, That a Committee, to consist of one member from each State, be appointed to receive the Marquis, and in the name of Congress to take leave of him. That they be instructed to assure him, that Congress continue to entertain the same high sense of his abilities and zeal to promote the welfare of America, both here and in Europe, which they have frequently expressed and manifested on former occasions, and which the recent marks of his attention to their commercial and other interests have perfectly confirmed. That as his uniform and unceasing attachment to this country has resembled that of a patriotic citizen, the United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity ; and that their best and kindest wishes will always attend him.

On motion of Mr. Mercer, seconded by Mr. Read,

Resolved, That a letter be written to his most Christian Majesty, to be signed by his Excellency the President of Congress, expressive of the high sense which the United States, in Congress assembled, entertain of the zeal, talents, and meritorious services of the Marquis of Fayette, and recommending him to the favor and patronage of his Majesty.”

Extract from the Secret Journal of Foreign Affairs, December 13th, 1784.

“Mr. Jay, chairman of the Committee, consisting of a member from each State, appointed to receive and take leave of the Marquis de la Fayette, reported, that on the 11th inst. they received the Marquis in the Congress chamber, and took leave of him agreeably to

the instructions given them on that subject, that they communicated to him the purport of the resolutions of the ninth; and that he thereupon made the following answer:

Sir,

While it pleases the United States, in Congress, so kindly to receive me, I want words to express the feelings of a heart which delights in their present situation, and the bestowed marks of their esteem.

Since I joined the standard of liberty, to this wished for hour of my personal congratulations, I have seen such glorious deeds performed, and virtues displayed, by the sons of America, that in the instant of my first concern for them, I had anticipated but a part of my love and regard which devote me to this rising empire.

During our revolution, sir, I obtained an unlimited indulgent confidence, which I am equally proud and happy to acknowledge; it dates with the time when, an inexperienced youth, I could only claim my respected friends' paternal adoption. It has been most benevolently continued throughout every circumstance of the cabinet and the field; and in personal friendships I have often found a support against public difficulties. While on this solemn occasion, I mention my obligations to Congress, the States, the people at large, permit me also to remember the dear military companions, to whose services their country is so much indebted.

Having felt, both for the timely aid of my country, and for the part she, with a beloved King, acted in the cause of mankind, I enjoy an alliance so well riveted by mutual affection, by interest, and even local situation. Recollection ensures it. Futurity does but enlarge the prospect; and the private intercourse will every day increase, which independent and advantageous trade cherishes, in proportion as it is well understood.

In unbounded wishes to America, sir, I am happy to observe the prevailing disposition of the people to strengthen the Confederation, preserve public faith, regulate trade, and in a proper guard over continental magazines and frontier posts, in a general system of militia, in foreseeing attention to the Navy, to ensure every kind of safety. May this immense temple of freedom ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind. And may these happy United States attain that complete splendor and prosperity which will illustrate the blessings of

their Government, and for ages to come rejoice the departed souls of its founders.

However unwilling to trespass on your time, I must yet present you with my grateful thanks for the late favor of Congress; and never can they oblige me so much as when they put it in my power, in every part of the world, to the latest day of my life, to gratify the attachment which will ever rank me among the most zealous and respectful servants of the United States."



FROM THE CONGRESS OF THE UNITED STATES TO LOUIS SIXTEENTH,
KING OF FRANCE AND NAVARRE.

Trenton, December 11, 1784.

Great, faithful, and beloved Friend and Ally,

The various and important acts of friendship done by your Majesty to these States, have inspired them with strong attachment to your person, and with firm confidence in your friendly disposition towards them. Both these considerations unite in urging us to recommend to your Majesty's particular attention and favor, the Marquis de la Fayette, a nobleman who has ably promoted the interests of both countries, and acquired glory by strenuous and successful endeavors to advance our mutual honor, prosperity, and confidence.

Permit us to assure your Majesty, that we not only approve, but admire, his conduct. We entertain esteem and affection for him as a man. We think highly of his talents, and are convinced of his disposition to perpetuate the amity and good understanding which, we pray God, may ever subsist between France and America.

May the author of all good continue to bless your Majesty, your family, and people, and keep you and them under his holy protection.

By the unanimous order of Congress.

RICHARD HENRY LEE,

President.

FROM THE KING OF FRANCE TO THE CONGRESS OF THE UNITED STATES
OF AMERICA.

Translation.

Written at Versailles, the 10th May, 1785.

Very dear Friends and Allies,

The Marquis de la Fayette has delivered to us the letter which you wrote to us the 31st December last.

We observe with real satisfaction the fresh assurances you there give us of your attachment to our person. The interest we take in the prosperity of your Government is known to you, and we will always embrace with pleasure every opportunity of giving you proofs of it. The justice which you do to the Marquis de la Fayette confirms, more and more, the opinion we have also of his zeal and talents, and cannot but add to the desire we have of giving him further marks of our satisfaction: entertain no doubt of the affection and friendship which we bear to the United States in general, and to each of them in particular. We pray God, very dear and very great friends and allies, to have you in his holy keeping.

Your good friend and ally,

LOUIS.

GRAVIER DE VERGENNES.



FROM RICHARD HENRY LEE TO BENJAMIN FRANKLIN, PARIS.

Trenton, December 14, 1784.

Sir,

I have the honor to enclose to your Excellency a resolve of Congress passed this day, the arrival of which in due season to prevent the signing of the convention alluded to, until an opportunity of reconsidering it in full Congress may be had, will be very agreeable to that body.

I have the honor to be, &c.,

RICHARD HENRY LEE.

Extract from the Secret Journal of Foreign Affairs, December 14, 1784.

“On motion of Mr. Jay, seconded by Mr. Gerry,

Resolved unanimously, eight States only being represented, That his Excellency the President inform the Minister Plenipotentiary of the United States at the Court of France, that it is the desire of Congress, in case the convention proposed for regulating and ascertaining the powers and privileges of Consuls, should not be already signed, that he delay signing it until he shall receive further instructions on the subject from Congress.”

Extract from the Secret Journal of Foreign Affairs, December 15th, 1784.

“The Chargé d’Affaires of France having sent to Congress a note, with sundry papers enclosed, of which the following are translations:

The undersigned, Chargé d’Affaires of France, has the honor to present to Congress a letter of Don Francisco Rendon, Agent of the Court of Madrid. This letter, and the extract accompanying it, relate to the limits of Louisiana and the Floridas, as well as to the navigation of the Mississippi. The undersigned has the honor to assure Congress, that the King will see, with great pleasure, every measure which shall be taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States.

DE MARBOIS.

Philadelphia, 19th Nov. 1784.

Translation of the enclosed letter.

FROM FRANCISCO RENDON TO THE PRESIDENT OF CONGRESS.

Sir,

I have the honor to communicate to your Excellency an extract of a letter which I have lately received from Don Joseph de Galvez,

Minister of his Catholic Majesty for the Department of the Indies. I beg you will be pleased to lay it before Congress, and communicate the contents to the Governor and President of the several States. His Majesty is persuaded that Congress will admit the justice of a claim which is founded on all the rights which an entire conquest and an uninterrupted possession can give to any Power; and that they will agree that the cession of the navigation of the Mississippi, made by the King of Great Britain to the United States in the treaty of 1783, can have no real force, unless the Catholic King, my master, to whom the navigation of that river belongs, shall think proper to ratify it. I see with pleasure, by the contents of the extract enclosed, that there is a probability that Spain and the United States will very soon confirm, by a solid and durable treaty, that friendship which has already for several years subsisted between the two nations. I hope that all objects about which there is any doubt will then be settled and terminated to the mutual satisfaction of his Majesty and Congress.

I have the honor to be, &c,

FRANCISCO RENDON.

Extract of a letter from Don Joseph de Galvez, Minister of his Catholic Majesty for the Department of the Indies, to Don Francisco Rendon, dated

Aranjuez, June 26, 1784.

“Until the limits of Louisiana and the two Floridas shall be settled and determined with the United States of America, his Majesty commands that you should give the States and Congress to understand, that they are not to expose to process and confiscation the vessels which they destine to carry on commerce on the river Mississippi, in as much as a treaty concluded between the United States and England, on which the former ground their pretensions to the navigation of that river, could not fix limits in a territory which that Power did not possess, the two borders of the river being already conquered and possessed by our arms the day the treaty was made, namely, the 30th November, 1782. This order I communicate to you that you may conform yourself thereto.”

JOSEPH DE GALVEZ.

*Extract from the Secret Journal of Foreign Affairs, December 15th,
1784.*

“The Committee to whom was referred a note, dated 19th November, from M. de Marbois, Chargé d’Affaires of France, with the papers enclosed, delivered in a report: whereupon,

Resolved, That the Secretary for Foreign Affairs be instructed to inform M. de Marbois, Chargé d’Affaires of France, that the United States in Congress assembled have received his note of the 19th November, with the papers enclosed, and are happy in the assurance given that his most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States; and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholic King will produce the desired effect.

That Congress have a high confidence in the justice of his Catholic Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.”

December 17th.

✓ “That it is necessary a Minister be commissioned to represent the United States at the Court of Madrid, for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi, and other matters highly interesting to the peace and good understanding which ought to subsist between them.”

“*Ordered*, That the Committee who brought in the report prepare a draft of instructions to the Minister to represent the United States at the Court of Madrid.”

CORRESPONDENCE
OF
JOHN JAY,
SECRETARY FOR FOREIGN AFFAIRS,
WITH
MONSIEUR DE MARBOIS,
CHARGE DE AFFAIRES OF HIS MOST CHRISTIAN MAJESTY.

CORRESPONDENCE, &c.

FROM MONSIEUR DE MARBOIS.

Translation.

Philadelphia, December 1, 1784.

The Chevalier De la Luzerne, and since his departure, the undersigned, Chargé d'Affaires of his Majesty, have received frequent orders to press the officers, agents, and other accountants employed for the service of the land and sea service on this continent, during the late war, to render their accounts. These agents and others delay rendering their accounts for divers causes; but most of them allege *the difficulty they meet with in bringing to account the agents or correspondents in America whom they have employed. They add, that when process is commenced for settling the accounts between them and the Americans, the latter avail themselves of the slowness in the usual forms of justice, in order to gain time, and fatigue their adversaries with all sorts of delays, until their affairs indispensably call them to France, and force them to submit to an unjust accommodation.*

Whatever may be the grounds of these allegations, the undersigned has the honor to inform Congress, that the agents' agents employed on this continent, by refusing to render their accounts, put it out of the power of the treasurers general of the department of war and marine to settle theirs, and of consequence that the distribution of prizes cannot be made to the officers and seamen of the different squadrons. To remove every pretext or excuse from the agents, the undersigned entreats that Congress would be pleased to consider whether it might not be proper for them to recommend to the several States the passing of laws for determining, in a summary way, in

their superior courts, the differences of this nature which exist, or may arise on account of the fleet and army of his Majesty during the late war. If Congress shall think proper to adopt this measure, the undersigned prays that they would be pleased not to delay the recommendations to the several States, which are now assembled in their legislative capacity, and he considers this as the principal means of executing the orders he has received, not to admit of any further delay of the agents of the French fleet and army in rendering their accounts.

DE MARBOIS.

Extract from the Secret Journal of Foreign Affairs, December 16th, 1784.

“On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian Majesty, dated the 1st December, 1784, respecting delays and difficulties complained of by French Agents in settling their accounts in this country,

Resolved, That copies of the said note be immediately sent to the different States; and that it be recommended to them to pass such remedial laws on the subject as their respective constitutions may permit, and that a copy of this resolution be transmitted to the said Chargé d’Affaires.”

FROM MONSIEUR DE MARBOIS.

Translation.

Trenton, December 7th, 1784.

The undersigned, Chargé d’Affaires of France, has the honor to present to Congress the demands of the heirs of three French officers, who died in the service of the United States during the late war. The first relates to the late M. de la Radierc, Colonel in the Corps of Engineers. The undersigned, in virtue of full powers from the heir of this officer, has had his accounts settled by M. Pierce, from which it appears that, on the 17th Nov., 1779, the time of his death, there was due to him a balance of \$2,657 30 specie. His brother,

who is his sole heir, expects that balance should be paid to him in certificates and ready money, as has been done to the officers of the Corps of Engineers who have quitted the service. But to this is opposed a resolution of Congress of 10th April, 1780, which excludes all officers, &c., who were not in service on that day from any benefit arising from depreciation on pay, &c. The undersigned entreats that Congress would be pleased to consider that M. de la Radiere did not quit the service, but died in it; and he is desirous to transmit to the heir of this officer a favorable resolution touching the demand made.

The second demand is presented to Congress by the undersigned in the name of the heirs and creditors of the late Colonel Malmedy, who died in the service of the United States. The Chargé d'Affaires of France has in his possession a certificate issued by Mr. Nourse, on the settlement of the accounts of the deceased, amounting to the sum of 2,420 dollars, bearing an interest of six per cent. per annum. He begs that Congress will be pleased to order this certificate to be converted into a contract which may be negotiated to the advantage of the heirs and creditors of M. de Malmedy, or that other measures may be taken conformable to the regulations adopted by Congress in similar cases.

The undersigned has also the honor to remind Congress of the reiterated demands made by the Chevalier de la Luzerne, touching the debt due by the United States to the widow and children of the late General Baron De Kalb. Congress will be pleased to recollect that this officer being charged, in 1780, with command of a Division marching to the South, received from M. Palfrey 226,000 dollars, for the purpose of defraying arrears of clothing, and the expenses of the Maryland Line on their march to the Southward—he to be accountable. General De Kalb having been slain in the battle of Camden, and his papers falling into the hands of the enemy, it has not been possible to recover the vouchers to prove the expenditure of the money received. The undersigned entreats Congress to consider whether it would not be just to authorize the Department of War to pass this sum in account as employed for the purpose designed; and he entreats that Congress would, at the same time, determine what they think ought in justice to be done in favor of the widow and children of the late General, agreeably to the rules established by Congress in cases of a like nature.

DE MARBOIS.

Extract from the Secret Journal of Foreign Affairs, December 16th, 1784.

“On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian Majesty, dated 7th December, 1784, respecting the demands of the heirs of three French officers who died in the American service,

Resolved, That the various and important objects of national concern which at present engage the attention of Congress will not permit them to examine and ascertain the facts on which the propriety of the demand in question must be decided; and, therefore, that the same be referred to the Paymaster General, with orders to examine and ascertain the justice of the said demands with all possible expedition, and report thereon to Congress.”



FROM MONSIEUR DE MARBOIS.

, Translation.

Trenton, December 7, 1784.

The underwritten, Chargé d’Affaires of France, has the honor to inform Congress that he has received some communications relative to a debt contracted on account of the Continental frigate, the *Confederacy*, with the Treasurer-General of the navy of the King. This frigate being at Martinique in 1779, Sieur Borde, the correspondent of the Commissary General, made advances amounting to 64,067 livres, 12 sous, 2d’rs., for provisions and refreshments necessary to the crew; he was reimbursed by drafts upon the Commissary, who, considering the transaction as foreign to the service, refused to accept them, and sent the bearer to Mr. Franklin, who did not pay them. These bills were about to be protested, and to prevent the inconveniences which would have resulted from the protest to the Navy of the United States in similar cases, the Treasurer-General of the marine paid them when they became due. He now requests that the expenditure may be accounted for, and the undersigned prays

Congress to inform him in what manner the advances made for the United States will be refunded. The person responsible being under the necessity of rendering his accounts regularly, the undersigned entreats of Congress that they will be pleased, as soon as possible, to act upon the reclamation which he has submitted.

DE MARBOIS.

Extract from the Secret Journal of Foreign Affairs, December 16th, 1784.

“On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian Majesty, respecting moneys advanced for refitting the American frigate *Confederacy*,

Resolved, That the said note be referred to the Commissioner for settling accounts in the Marine department, and that he be ordered to report thereon to Congress without delay.”

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office of Foreign Affairs,
Trenton, December 22, 1784. }

Sir,

Having accepted the place of Secretary for Foreign Affairs, it becomes my duty to inform you that Congress will adjourn to-morrow to meet at the City of New York on Tuesday, the 11th day of January next.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Trenton, December 24, 1784.

Sir,

On my arrival in this city, I was informed by his Excellency the

President of Congress, that you had accepted the office of Secretary for Foreign Affairs. This news has caused me great pleasure, from the satisfaction which it will give to my Court, as well as on account of the advantages which the United States will derive from your ministry. I hope to have the honor of complimenting you personally at New York in the course of the month of February next ensuing.

As I shall quit Philadelphia about that time, I ought to inform you that, agreeably to the intentions of Congress, the portraits of the King and Queen, presented by his Majesty to that assembly, have been deposited in my house, to remain there until they can be placed in the situation which Congress shall make its residence. I beg you to be pleased to inform me what may be the intentions of Congress with respect to the destination of these pictures after the month of March next.

I am, with respect, &c.,

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office of Foreign Affairs, }
New York, December 23, 1784. }

Sir,

I received yesterday the letter which you did me the honor to write on the 24th inst., two days before which I wrote to you by the post, that I had accepted the place of Secretary for Foreign Affairs, and that Congress would the next day adjourn to meet at this place on the 11th day of next month. Accept my thanks for the obliging terms in which you mention this appointment, and be assured that every occasion of promoting and confirming mutual confidence and friendship between our countries will give me pleasure.

I shall take the earliest opportunity of communicating to Congress the arrival of their most Christian Majesties' portraits, with which the King has been pleased to present them, and I flatter myself with being soon enabled to convey to you the pleasing sense with which that obliging mark of his royal attention will have impressed them.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, January 27, 1785.

It is much to be desired that Congress would direct to be communicated to the *Chargé d'Affaires* of France, those measures which have been, or are about to be taken, in consequence of the note which he had the honor to transmit in the beginning of the month of December last, upon the affairs of Spain.

Mr. Rendon entertains the opinion that his Court will be disposed to cede that portion of the Floridas which, by the treaty between Great Britain and the United States, has been assigned to the United States. But he does not believe that his Court will make this cession in consideration of that treaty. He thinks it should be regarded only as a continuance of the desire with which his master is animated, to give to the United States a proof of his good will and friendship. He farther believes that the port of New Orleans may be opened to the American commerce and navigation by the Mississippi.

Mr. Rendon, however, gives these conjectures only as his private opinion, declaring he has no instructions upon the subject.

Whether Mr. Bingham has been reimbursed the advances made by the correspondent of the Commissary General for the frigate *Confederacy*? If he has been, in what manner ought the payment of the correspondent to operate in the absence of Mr. Bingham?

The commerce between France and her colonies on the one part, and the United States on the other, having been regulated by a treaty, it can only be modified after a full examination of the changes which will be proposed; and the *Chargé d'Affaires* of France will receive with much pleasure any communications which Mr. Jay may make him upon the subject. He can assure him in advance, that the United States will experience, on the part of the Government of France, every facility in accordance with the advantage of the subjects of the kingdom and the established system.

The American Plenipotentiaries have probably already informed Congress of the new proof which his Majesty gives of his affection and friendship to the United States, in opening to them the ports of the Isles of France and Bourbon, heretofore closed. The American

merchants and navigators can now proceed there from the ports of this continent, where they will be received; they can there obtain refreshments, dispose of a part, or the whole, of their cargoes, or continue their voyage to the Indies or China. They can, on their return, again touch at those islands, and sell the whole or a part of their cargoes. They will be privileged, also, to provide themselves with the merchandize and productions of these two colonies. It is hoped that the reciprocal advantages which will result from these arrangements, may operate with the Court of Versailles to render them permanent.

Without repeating here what the *Chargé d'Affaires* of France had the honor to mention to Mr. Jay, he restricts himself to engage him to make his report of it, in order that Congress may judge of the necessity of fulfilling their engagements, and to entreat him to communicate such measures as may be enacted on this subject.

Different notes on this subject have been presented to the Congress. Mr. Jay is entreated to bring them again to notice. He will there see the situation to which many French merchants are reduced by reposing confidence in the faith of the United States. By referring to the Journals of Congress, he will find that that body has recommended to the different States to enact laws in order to raise the necessary sums for the payment of the interest of the loan office certificates, held by foreigners. In effect some laws have been passed for that purpose, particularly in Pennsylvania; but in this very State they have excluded foreigners from a dividend, notwithstanding the pressing remonstrances of the Minister, and subsequently of the *Chargé d'Affaires* of the King. It appears that Congress is at present occupied with this business, in consequence of the last note transmitted. As the Assembly of Pennsylvania is about to meet, and as they appear disposed to pay the holders of certificates, who are inhabitants of that State, he is desirous that Congress may address new recommendations, or rather that they would assign a fund for the payment, as it appears the State is not disposed to conform to the recommendations which have been made.

The *Chargé d'Affaires* of the King has had the honor to transmit to Congress a note bearing date the 7th of last December, relating to the claims of the heirs of different French officers. Congress resolved, on the 16th of the same month, to refer the subject to the Paymaster General, with instructions to report thereupon as promptly

as possible. Mr. Jay will have the goodness to communicate to the Chargé d'Affaires of France the present state of this business.

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, January 28, 1785.

Sir,

I have the honor to send you a note, where I have recapitulated, in a few words, the principal points of the conference which I had the honor to hold with you yesterday. I have there also mentioned some other points which we were prevented from discussing. I shall be very grateful for any attention you may give to those different subjects. I have also the honor to transmit to you the originals of the pieces relative to the prosecution of Longchamps. I entreat you to accept the communication, and, if it is necessary, to make it likewise to Congress, whenever I shall have the honor to address you officially a demand for the surrender of the culprit. I wish, sir, to consult with you upon my conduct in this affair, in order to prevent its occasioning any interruption of communication between the two Powers, and, if possible, to prevent any coldness, which appears to me much to be apprehended, if the King does not obtain satisfaction. If ulterior explanations should be required, touching any of the different subjects upon which I have had the honor to converse with you, I will hasten to give them.

I am, with respectful attachment, &c.,

DE MARBOIS.

NOTE FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Monsieur De Marbois presents his respects to Mr. Jay, and has the honor to communicate to him an extract of a letter from France, which he did not receive until to-day, on account of its having taken the route of Philadelphia. He places some reliance upon the news which it contains.

Monday morning.

Translation.

Paris, 12th of the 9th Month, 1784.

"The affairs of Holland continue to give us much inquietude. The government of the Low Countries has dispatched many vessels which have been stopped by the Dutch upon the Scheldt. The Count d'Ochra has been very active here; but it is yet unknown what he has done, and whether we shall be reconciled to the King, his brother. The Imperial troops approach, but not in great numbers, as the Emperor cannot, without imprudence, weaken himself on the side of Prussia. Luxemburg is destitute of troops, and the militia there mount guard. It is hoped that the prudence of our Minister will arrange this important affair. With respect to the Hollanders, it is not the navigation of the Scheldt alone which is involved; if they suffer their rights and privileges to be attacked on one point, the next attempt will be perhaps upon their independence."



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
New York, January 31, 1785. }

Sir,

I have been favored with your note of this date, enclosing an extract of a letter from Paris, of the 12th November last, for which I thank you, and which I shall communicate to Congress in the morning.

Agreeably to an act of Congress of the 15th ult., a copy of which was delivered to me this day, I have the honor to inform you that the United States in Congress assembled, have received your note of the 19th November, with the papers enclosed, and are happy in the assurance given that his most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States, and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholic King will produce the desired effect. That Congress have a high confidence in the justice of his Catholic

Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudge those rights.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 10, 1785.

Sir,

I have the honor to address you a note, wherein I demand the surrender of *Sieur Longchamps*. The papers which I have had the honor to transmit to you justify the demand which I make, and I entreat you to return them to me when no longer necessary to you. If Congress desire the perusal, it will suffice if they are returned by the 20th of the month.

I have had the honor to confide to you the steps taken by *Madame De Marbois* since the 4th of January last, and those which I propose to take, in favor of the culprit, as soon as Congress shall have accorded the satisfaction demanded by the King. I endeavor, while there is yet time, to prevent bad consequences from an affair which appears to have been excited designedly. But evil disposed persons apply themselves, in the meantime, to inflame the minds of the people in Philadelphia, by false representations published in the gazettes, and republished in those of New York. Although similar publications have taken place throughout the whole course of this affair, I was not willing that any reply should be made, notwithstanding the advantages of every kind which my situation gave me, and there not being the slightest pretext to color the attempt. I rely entirely upon the justice of Congress, and their respect for the rights of nations, violated in an unexampled manner. Notwithstanding the efforts of the evil-minded to produce a coldness between the King and the United States, I am not the less determined, even to-day, to pursue the plan which I had formed, to solicit the clemency of the King, as far as may be consistent with the inviolability due to public Ministers. But the publications which take place in the newspapers, tend to prevent the effect of those measures. I do not doubt, sir,

that you will unite with me cordially in all which can contribute to the maintenance of a good understanding, and I entreat you to consider maturely the part which ought to be taken to arrest the licentiousness of the press.

I am, with respect, &c.,

DE MARBOIS.

MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 10, 1785

Sir,

I have the honor to transmit to Mr. Jay an anonymous letter which I received by yesterday's post. I am very doubtful whether it has been written with good intention. Such as it is I thought proper to communicate it to the honorable Secretary for Foreign Affairs.

DE MARBOIS.

Translation.

Philadelphia, February 4, 1785.

"Sir,

"My attachment for you and the public good induces me to inform you that you will not be safe in returning here. The friends of Longchamps are enraged at the steps which it is said you have taken against him. It is reported that if you return they mean to take violent measures against you, and he himself threatens to be revenged in an exemplary manner as soon as he is at liberty. I believe it would be unwise in you to neglect any precaution with respect to your safety. I pray you to reflect that this man has nothing to lose, that he has no means of living, and that his debts already exceed the property of his wife. The most desperate courses are the best for him. I do not sign my name because I should thereby expose myself to people who have told me their projects as a great secret."

I am, with profound respect, &c.,

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, February 11, 1785.

Sir, I have received the letters which you did me the honor to write yesterday, together with the anonymous one of which you make mention.

I have this morning transmitted them to his Excellency the President to be laid before Congress, and shall take the earliest opportunity of communicating to you the result of their deliberations on the interesting subjects of them.

I have the honor, &c.,

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

The undersigned, Chargé d'Affaires of France, has the honor to inform Congress that his Majesty demands that the Sieur Longchamps, his subject, shall be sent to France in order to be tried there. The crime of this individual being known to Congress, the undersigned will enter into no detail upon the subject, but limits himself to assure that assembly, in conformity with the order he has received, that the United States will be permitted to exercise an entire reciprocity, if there should ever happen in France a similar or analogous case with respect to their Ministers or public officers.

BARBE DE MARBOIS.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

New York, February 11, 1785.

Sir,

I have the honor of transmitting to your Excellency, herewith enclosed, the following papers which I received yesterday from M. De Marbois, viz: a note demanding the surrender of M. Longchamps, a letter on that subject and on certain publications respecting it, and another letter enclosing an anonymous one which had been sent to him. All of which I think it my duty to lay before Congress without delay.

I have the honor to be, &c.,

JOHN JAY.

VOL. I.—8

The Secretary of the United States for the Department of Foreign Affairs to whom, on the 14th instant, was referred the requisition of the *Chargé d'Affaires* of France, that a certain Charles Julian de Longchamps (now in custody at Philadelphia in pursuance of the judgment of a court of law against him) be delivered up to his most Christian Majesty, reports thereupon as his opinion :

That it appears that the said Charles Julian de Longchamps was indicted at the Court held at Philadelphia in 1784, for an infraction of the law of nations, and for an assault and battery. And that both these offences consisted in violences offered by him against a Consul Général and a Secretary to a Legation of France, residing at Philadelphia, under the faith and protection of the law of nations and the other laws of the land.

That it further appears that the said Charles Julian de Longchamps was in due course of law tried for the same offences, and being thereof found guilty, was judicially sentenced to pay a fine of one hundred crowns, to be imprisoned until the 4th July, which will be in the year 1786, and then to give good security to keep the peace, and to be of good behavior to all public ministers, secretaries of embassies and councils, as well as to all the liege people of Pennsylvania, for the space of seven years, by entering into recognizance, himself in one thousand pounds, and two sureties in five hundred pounds each ; to pay the costs of the said prosecution, and remain committed until that sentence be complied with.

That it also appears that the said Charles Julian de Longchamps is now actually confined in the prison of Philadelphia, in execution of the said sentence. Your Secretary considers the following principles to be unquestionably true, viz :

That every friendly foreigner coming to any country on lawful business, is entitled to the protection of the laws of that country on the one hand, and owes obedience to them during his residence on the other ;

That whenever such foreigner breaks the peace, or otherwise violates the laws of the land, he is as amenable to them as any other person ; and that the sovereign power of the State has undoubted right to punish him in the manner and degree prescribed by the laws of the State ;

That where the said laws sentence such offending foreigner to imprisonment for a limited time, the State has a clear right to hold

and detain him in prison accordingly; and are not bound to release or deliver him up to his Prince for any purpose whatever, before he shall have satisfied the laws of the land which he has violated by undergoing the punishment decreed thereby for his offence.

Your Secretary is therefore of opinion that the requisition in question is premature: for, admitting Charles Julian de Longchamps to be a Frenchman; admitting that he has offended his Prince either here or elsewhere; admitting, further, that his Prince has a right to demand him, and that the United States were bound, by treaty or otherwise, to deliver him up; yet it is not to be denied that he has broken the peace and violated the laws of this country, and having been legally condemned to imprisonment for the same, a compliance with the said requisition at present cannot possibly be required by the law of nations.

How far it would be right and proper for the United States afterwards to demand of the State of Pennsylvania to deliver the said Charles Julian de Longchamps, to be tried and judged in France, for that part of the aforesaid offence against the peace, government, and dignity of that Commonwealth, which consisted in his having there violated the rights and privileges of his most Christian Majesty's Legation, and how far such demand would be warranted by the law of nations and the federal compact between the States, are questions so new, so deeply and intimately connected with the nature of our constitutions and confederation, and so extensive and important in their consequences, as to require very ample discussion, much reflection, and serious consideration.

Your Secretary is further of opinion that the Minister Plenipotentiary of the United States at the Court of France should be instructed to submit the above facts and reasons to the candid consideration of his most Christian Majesty, to assure him that it would give them great pain to have their conduct viewed by him in an unfavorable point of view; and that they flatter themselves the reasons which render it impossible for them at present to comply with his requisition, will appear as conclusive to him as they do to Congress. That they will maturely, candidly, and earnestly consider how far a compliance with it, when the prisoner shall be legally released, may be free from objections. That they wish, and will endeavor, in the mean time, to make that very important question the subject of mutual and friendly discussions; that as the man himself can be no object

with the States, and as neither their interest nor their inclination can lead them to give cause of umbrage to their first and best friend and ally, they hope he will have perfect confidence in their sincerity when they declare that obstacles to their complying with his requests will always give them as much concern and regret as opportunities of manifesting their respect, their regard, their gratitude, and their attachment to him, will always give them pleasure and satisfaction.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Office of Foreign Affairs, }
16 Feb. 1785. }



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 22, 1785.

Sir,

An express just arrived from Philadelphia obliges me to set off for that place without delay. I could have wished to have taken leave of you before I set off, and to have received some information respecting the affairs I have had the honor to communicate to you, but circumstances prevent me. I propose to return to this place so soon as the health of Mrs. Marbois will permit me; but as I presume I shall be detained in Philadelphia some weeks, I must beg you to transmit to me the determinations of Congress on the different affairs on which I have presented memorials, or which I have had the honor to communicate to you verbally.

Herewith you will find a memorial of the Sieur Rousille, who has served on board of a frigate of the United States. I beg you to put it in my power to acquaint him with the decision of Congress thereon.

I have also the honor to address to you the copy of a letter from the Count de Vergennes, respecting a debt of the United States paid by the royal treasury to Messrs. Sabatier and Despres, together with the vouchers of that debt. I request, sir, you would communicate to me whatever measures Congress may take for the liquidation of this debt.

I owe it to the character with which I am honored to communicate to you a gazette in which you will find an article which concerns me, and which I leave to you to describe. I beg you, sir, to compare it with the anonymous letter I received, and which I had the honor to communicate, for you to consider that an indispensable duty calls me to Philadelphia, and to acquaint me with the opinion of Congress respecting such publications, and the circumstance itself. You know, sir, that it is to that assembly only I can address myself in order to enjoy throughout the whole extent of the United States the inviolability due to my character.

I am, with a respectful attachment, &c.,

DE MARBOIS.

MEMORIAL OF PIERRE ROUSILLE.

Translation.

The Sieur **PIERRE ROUSILLE**, native and inhabitant of Bordeaux, has the honor to represent, that he embarked the 22d May, 1778, as volunteer, in the United States frigate the *Boston*, commanded by Captain Tucker, then going on a cruise against the enemy. On the 19th of June following they made a prize of an English ship coming from Spain, and the memorialist was chosen as one of those destined to conduct the prize to Boston; but, on the way thither, they had the misfortune to meet the *Porcupine*, English frigate, who retook the prize, and conducted them prisoners to Portsmouth, where they arrived the 8th July, and your memorialist remained near two years in prison in England, without any news of the frigate in which he embarked.

At his return to France, your memorialist learnt that the frigate had been fortunate enough to take several prizes, which were sold at Nantz, and the proceeds paid into the hands of Captain Tucker, (as is proved by a letter of the 19th of September, 1780, signed by Messrs. Schweighauser and Dobree, who had been commissioned to sell them.)

Your memorialist had, without doubt, a right to claim his part of the prizes, though taken in his absence, and while he was detained in the prisons of England, and especially as there was an express

agreement and promise of Captain Tucker, made when your memorialist went on board the prize; he having then promised your memorialist and the others, that whether they got safe to Boston or whether they had the misfortune to be taken, they should always be included in the division of any prizes the frigate might make, this promise ought therefore to be carried into effect; and the more so, having regard to a captivity of two years which your memorialist suffered, and to the zeal and affection for the service of the United States, thus manifested by a Frenchman, and which Captain Tucker and the Admiralty of the United States must both acknowledge.

Your memorialist has not neglected to get intelligence of Captain Tucker. He wrote to him as well as to the Admiralty of the United States; but though your memorialist's letter came to hand, he never could receive the least answer to them; and this silence of both of them shews a disposition which your justice, my lord, will not approve. Thus circumstanced, your memorialist implores the aid of your powerful recommendation to the Admiralty of the United States, that payment may be made to your memorialist of his part of the prizes, as well as of the pay due to him as volunteer on board the said frigate *Boston*. This demand, just in itself, cannot any longer meet with difficulty, when it is considered, that having represented the matter to the Marshal De Castries, our Minister of Marine, he thought it so just, that by his letter of 20th August last he directs me to address myself to Mr. Franklin, which I did not fail to do; and Mr. Franklin, in his letter of the 12th September, directs me to address myself in America, and gives the greatest confidence in the justice of the Admiralty of the United States.

But whilst taking all these steps, I received, the 7th of September last, a letter dated Boston, 21st July, 1784, signed De L'Etombe, containing, word for word, as follows:

“I have received, sir, the letters you did me the honor to write to me in the years 1782, 1783, and 1784. I have spoken to the Admiralty of this city, of your antiquated claims. I had before mentioned them, and had advised you of the death of Captain Tucker and the settlement of his accounts. I am now assured that your claims are no better than they were, and General Warner, to whom I mentioned them, informs me there is no taking up again accounts which have been liquidated and settled; and that you must take the fault on yourself for not having applied in time.

"I am sorry I cannot give you a more favorable answer; but on any other occasion I shall always be happy to render you service, and do assure you that I am, sir,

"Your very humble servant, &c.,

("Signed)

DE L'ETOMBE."

The perusal of this letter will shew the contradiction it contains. It appears so to all who have read it, for Mr. De L'Etombe calls my demands out of date, that is, not recoverable, forfeited by not applying in time; but how could he make use of such language, after acknowledging the receipt of my letters of 1782, 1783, and 1784; doubtless these letters had no other object but these claims, there must therefore be an error or injustice in attributing to me a neglect I have not been guilty of. I need no other proof than the contradiction strongly marked in this letter.

It is, however, true that after I was released from captivity in England I took every method in my power to claim my due. The roll of the crew of the frigate when she was paid off will shew I was included in it, and the Admiralty of the United States should have secured the pay, &c., due me, as is practised in France, for it could not be lost, either myself or my heirs would always have a right to it, and it cannot be supposed that the United States can regard with indifference the vicious and unjust decision contained in the letter abovementioned, and deprive me of my pay and prize-money gained in their service, and which was the cause of a two years' captivity, with the loss of all I had.

It is of no consequence that Captain Tucker is dead, and that his accounts are settled, since it was not in my power to object to that settlement, being a prisoner in England; and, besides, being a Frenchman, and in Europe, I could not know of the settlement, nor could I transport myself suddenly to the place, so that, all things considered, nothing can prevent the Admiralty of the United States from paying what appears due to me at the paying off the Boston frigate, the rolls of which they must have preserved. It is from their justice alone I expect it, as it is to them only I can look for the failure of Captain Tucker in paying me my due.

P. ROUSILLE.

My address is at Mr. Cazemeau, Broker, Rue Causse rouge, at Bordeaux.

FROM THE COUNT DE VERGENNES TO THE CHARGÉ D'AFFAIRES OF
FRANCE TO THE UNITED STATES.

Versailles, October 12, 1784.

Sir,

I annex the copy of a letter from the Comptroller-General, with the account which accompanies it, relative to a sum paid from the Royal Treasury to reimburse Messrs. Despres & Sabatier for articles furnished by them to the United States. You will please to take the necessary steps to engage Congress to rid themselves of this debt, and to pay the amount into the Royal Treasury agreeably to the demand of the Comptroller-General, founded on the vouchers he has furnished.

I am, &c.,

DE VERGENNES.

FROM M. DE CALONNE TO THE COUNT DE VERGENNES.

In conformity to the letter you did me the honor to write to me the 8th February, I caused payment to be made from the Royal Treasury to Messrs. Despres & Sabatier, of the sum of 134,065 livres 7s. 6d., due to them for articles furnished to the United States of America. You were pleased to assure me that you would charge yourself to demand the repayment of this advance to Congress whenever I should furnish you with the vouchers.

I have, therefore, the honor to address to you the account of payments made to the United States on the ten millions borrowed from Holland. You will see, sir, that the Royal Treasury has paid 134,065 livres 7s. 6d. above the ten millions, and that this excess is carried to the second expedition of articles furnished by Messrs. Despres & Sabatier, whose certified accounts I annex. The original vouchers of the articles furnished are deposited in my office, and M. De Veinneranges has delivered duplicates of them to Mr. Franklin.

I shall be much obliged by your endeavors to procure the return of this advance to the Royal Treasury.

Translation.

ADVANCE of Ten Millions granted by the King to the United States of America, payable with interest 1st January, 1783.

Articles to be carried to account of the advance of Ten Millions.

Subsidy to Mr. Laurens, - - - - -	} 2,500,000	Excess of 6 mon. subsidy, per margin, - - -	} 146,000
Sum returned from Holland, - - - - -	} 1,430,000	Drafts of Mr. Morris on M. C. Couteulx, - - -	} 1,201,100.4.8
To Mr. Grand, for drafts on Mr. Franklin, - - - - -	} 2,216,000	Paid Mr. Grand, in February, March, and April, 1782, - - -	} 1,300,000
	6,146,000		2,647,100.4.8

Military Stores.

Replacing the effects of M. de la Fayette and articles furnished, viz:

1st. 200,000 lbs. powder, including expense of transporting it to Brest, - - -	196,481.15. 3
2d. To Messrs. Despres & Sabatier, articles furnished 1st time at the requisition of Col. Laurens, - - - - -	1,011,248. 5.11
(*) 3d. Articles furnished 2d time, including the replacing effects of M. de la Fayette, - - - - -	2,194,219. 7. 4
4th. Articles furnished by the War Department in May and June, 1781, - - - - -	1,052,345.11. 6
5th. Ditto, by Marine Department, - - - - -	252,275
6th. Freight of 4 vessels sent from Brest to transport the stores, -	293,430

	5,000,000
Sums paid out of the Treasury to Mr. Grand in the last seven months of 1782, - - - - -	2,352,399.15. 4
	<u>10,000,000</u>

(*) The articles furnished the second time by Messrs. Despres & Sabatier amounted, by the certified account of M. de Veimeranges, - - - - - 2,328,284.14.10
Of which is included in the 10 million only, - - 2,194,219. 7. 4

Remains to be paid, - - - - - 134,065. 7. 6

Which the Royal Treasury advanced to Messrs. Despres & Sabatier in 1784. The Count de Vergennes promised to demand the reimbursement of this sum of the United States.

Translation.

UNITED STATES OF	}	<i>Amount of Articles furnished and Sums advanced to the United States of North America.</i>
NORTH AMERICA,		
2d EXPEDITION.		

Account of sums, forming together the amount of a second expedition of clothing and military stores, which the Messrs. Sabatier & Despres furnished to the United States of America, at the requisition of Colonel Laurens, including the expense of packages, commission, gratification to the Storekeeper-General at Brest for trouble; and also the expenses of transportation from St. Denis and other places to Brest, viz:

According to the accounts of the said articles furnished, No. 1, endorsed A A; extract of invoices annexed, No. 2, endorsed B B; account of their reception in the magazines at Brest, and the shipment, No. 3, endorsed C C; the certificate of examination of the articles, No. 4, endorsed D D; and the warrant of the order, No. 5, endorsed E E; *two millions one hundred and ninety-three thousand one hundred and six livres five sous*, including six per cent. allowed Messrs. Sabatier & Despres for advances, commission, trunks, and packages, as per said account, 2,193,106. 5

According to the account of sums advanced by the said Sabatier & Despres to pay the bills of transportation of said effects and the commission on said payments at four per cent. agreeably to the account of articles, No. 6, endorsed F F; *the sum of one hundred and thirty-five thousand one hundred and seventy-eight livres nine sous and ten deniers*, - - - - - 135,178. 9.10

Total general, - - - - - 2,328,284.14.10

The above account, amounting to *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, certified to be just and true.

SABATIER & DESPRES.

The above account examined by us, Principal Commissary of War, amounting to the sum of *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, agreeably to the different accounts therein mentioned, and numbered 1, 2, 3, 4, 5, and 6, and marked A A, B B, C C, D D, E E, and F F.

DE CORNY.

Paris, 26th December, 1782.

The above accounts, amounting to *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, examined and agreed to, agreeably to the different vouchers and accounts therein mentioned, and also examined by us.

VEIMERANGES.

Paris, 12th January, 1783.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, March 8, 1785.

Sir,

I have the honor to address to you a note, which I must request you to lay before Congress. The unfortunate people whose interests I have put into your hands, have patiently waited until the moment of peace, and I have not ceased to support their hopes until this moment. I beg you to put it in my power to acquaint them that their confidence in the faith of the United States has been well founded.

In reminding you, sir, of the different notes which I have had the honor to present to Congress, or to put into your hands, permit me to mention that in particular which respects the demands of the different French officers, or their widows or heirs. Congress has referred them to the War Department. If the report has come to your hands, or if there has been any resolution on the subject, I must request, sir, that you will make me acquainted with it. In case nothing should have been determined on the subject, I must take the liberty to remind you of it.

The orders which must be observed in the Department of Finance renders it necessary to know beforehand at what periods the United States can make payments of the sums payable by them into the Royal Treasury in the course of this year. If particular circumstances should even oblige Congress to some delay for part of the sum, it is not the less necessary to be previously informed of this, that measures may be taken to supply the deficiency. I shall be exceedingly obliged to you for the necessary information on this subject.

I am, with respect, &c.,

DE MARBOIS.



NOTE.

Translation.

The Chevalier de la Luzerne, and since his departure, the undersigned Chargé d’Affaires of France, has at different times received memorials, letters, and demands of French subjects possessing loan-office certificates, representing how prejudicial it is to their affairs that the engagements entered into by the United States for the payment of the interest and redemption of the principal of those contracts, have not been fulfilled. Some of them have even furnished proofs, unhappily incontestible, that the confidence they had in the solemn promises which were made to them have been the cause of their ruin, and that the reverse of fortune they have experienced can never be entirely repaired. The undersigned has had the honor to inform Congress of these circumstances, in a note delivered some months since; he waited their decision to send satisfactory information to the concerned, and in the mean time has written them to rest with confidence in the respect of Congress for their engagements, and on his uninterrupted efforts to procure them payment; but he has just received many letters from France, in which the creditors of the United States in France again complain of the little satisfaction they can procure on claims so just; they are informed that without regard to the recommendation of Congress, some States have appropriated funds for the payment of the interest on certificates of money borrowed, in possession of the inhabitants, and that the foreigners have

been excluded from this partition they have made among themselves of the public revenue. The undersigned takes the liberty to remind Congress of these facts, and he hopes that assembly will take into consideration the unhappy situation of the French creditors of the United States, that they will consult justice in adopting efficacious measures for their payment, at the same time considering that not being inhabitants of the United States, the sums due to them can be discharged only in money, and not in paper, or any effects whatever which are of no value out of the United States, or are not equal in value to the sums they should represent.

The undersigned, for many years witness to the constant endeavors of Congress to procure justice to all their creditors, and to support public faith, hopes they will enable him as soon as possible to return satisfactory answers to the French creditors, and that they will consider his repeated and pressing solicitations on this subject as arising from his duty, and the persuasion he is in that Congress view with pleasure every measure which has justice for its object.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, March 10, 1785.

Sir,

I have the honor to inform you that, on the 7th instant, Congress was pleased to permit the honorable Benjamin Franklin, Esq., their Minister Plenipotentiary at the Court of Versailles, to return to America as soon as convenient, and that they have assigned a day for the election of another to succeed him.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, March 11, 1785.

Sir,

I have the honor of informing you that Congress were pleased

yesterday to appoint the honorable Thomas Jefferson, Esq., to be their Minister Plenipotentiary at the Court of Versailles, in the room of Dr. Franklin, who, at his request, has leave to return.

I have the honor to be, &c.,

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Philadelphia, March 17, 1785.

Sir,

I have received the letter you did me the honor to write, communicating to me the appointment of Mr. Jefferson as Minister Plenipotentiary from the United States to the Court of France; I shall transmit this information for the Minister for Foreign Affairs, and I am persuaded his Majesty will receive the news with pleasure.

I am, &c.,

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Translation.

New York, March 21, 1785.

Sir,

I have received, and laid before Congress, your letter of the 8th instant.

The late order of Congress, that all papers in French, to be communicated to them by me, should be accompanied with translations, and the number of such papers which I have lately referred to the interpreters has prevented my giving all the despatch to those with which you have favored me that I should otherwise have done.

You must be sensible, sir, that the long recess of Congress must greatly have augmented their business, and that the same expedition cannot be expected from public deliberative bodies as from executive officers or boards composed of a few members. For my part, I am persuaded that the affairs to which you solicit the attention of Congress will not be neglected; but that they will continue to treat all your applications with that respect which is justly due to every

application made on the part of his most Christian Majesty. I assure you, sir, it will always give me pleasure to promote the bringing all these matters to a speedy conclusion, and that I will immediately communicate to you whatever Congress may be pleased to refer to me for that purpose.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, March 29, 1785.

Sir,

I have received the letters you did me the honor to write to me on the 21st of this month. The assurances they contain respecting your disposition as well as that of Congress, cannot but be very agreeable, and I await the effects with the most perfect confidence.

I wait also, sir, an answer to the letter I had the honor to write to you the 25th of December last. I am sorry to importune you on this subject, but the month of March is almost expired, and as I must, without delay, leave Philadelphia, I cannot continue to be answerable for the trust committed to me by Congress; and on the other hand, I will not change its destination without knowing the intentions of that assembly.

I am, &c.,

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, April 9, 1785.

Sir,

I have the honor to address to you the commission of Monsieur the Chevalier de Chateaufort, as Consul for the two Carolinas and Georgia. I must request you to lay it before Congress, and to procure the resolutions customary in like cases, as well as the requisitions for the *exequatur* from the three States, in which he is to exercise

the office of his Majesty's Consul. I must request, also, that after the commission has been registered you will return it to me, together with the resolutions of Congress. Monsieur de Chateaufort will receive them here before he sets off for his destination.

As I must return without delay to New York, and as the business of the consulate must not be interrupted, my brother will do the duties here during my absence, in the same manner as those of the Consul of Charleston have been done to this time by the Vice Consul of Georgia.

I must therefore beg, sir, that you will procure me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware for his *exequatur* and notification of Pierre François Barbé de Marbois, jr., as Vice Consul to the States of Pennsylvania and Delaware.

I am, with respect, &c.,

DE MARBOIS.

Translation.

Patent of Consul of France to the States of North and South Carolina and Georgia, in favor of the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, resident at Charleston.

LOUIS,

By the Grace of God, King of France and Navarre,

To all to whom these presents shall come, greeting :

Having thought it necessary to create an office of Consul to the States of North and South Carolina and Georgia, and being informed of the knowledge, probity, zeal, and fidelity to our service of the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, we have judged that we could not make a better choice than of his person to exercise the said office, and being moved by these and other causes, we have named, ordained, and established the said Chevalier D'Aristay de Chateaufort, and by these presents, signed with our hand, we do name, ordain, and establish him our Consul to the States of North and South Carolina and Georgia, with power *to establish agents in such ports in his department as he may judge*

necessary, to see to the execution of the rules and ordinances relative to commerce and navigation, and to support the privileges which the French should enjoy according to the treaties and conventions; and further to order and do, within the extent of his consulate, whatever he may judge necessary for the good of our service and the advantage of our subjects, willing that he should make his ordinary residence at Charleston, and that he should enjoy the honors, authority, pre-eminence, and prerogatives annexed to the said office of Consul, and the appointment or salary thereto belonging, which appointments shall be for all expenses and emoluments whatever, without any pretension to exact any other benefit; and for these purposes we give him our special commands, power, and authority. And we command our trusty and well beloved Chevalier de la Luzerne, our Minister Plenipotentiary to the United States of America, to have the said Chevalier D'Aristay de Chateaufort acknowledged in his said quality of Consul, and to afford him every assistance; and we do order all navigators, merchants, and others to acknowledge and obey him, for such is our pleasure; and we do pray and request our very dear friends and allies, the United States of America, their governors and other officers, civil and military, to let the said Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort enjoy, peaceably and fully, the said office of Consul to the States of North and South Carolina and Georgia, without any molestation or hindrance, but on the contrary to afford him every assistance, offering to do the like whenever we shall be so required.

In witness whereof we have caused our privy seal to be affixed to these presents. Done at Versailles the 25th day of April, 1784, and in the tenth year of our reign.

LOUIS.

By his Majesty's command,
L. M. DE CASTRIES.

Report of Secretary Jay, on a Communication from the Chargé d'Affaires of France, relative to "Vice Consuls."

Office of Foreign Affairs, April 18, 1785.

The Secretary of the United States for the Department of Foreign
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Affairs transmits, herewith enclosed, a letter and a translation of it from the Chargé d'Affaires of France to him of the 9th instant, and a commission, with a translation of it, from his most Christian Majesty, appointing the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort to be Consul of France for the States of North and South Carolina and Georgia, to reside ordinarily at Charleston.

Your Secretary reports that it should, in his opinion, be

Resolved, That the said commission be registered in the Secretary's office; and that thereupon an act of recognition, in due form, be immediately issued to the States in question, in order that they may furnish the said Consul with his exequatur or notification of his quality, that the same may be made known and published.

Your Secretary is exceedingly at a loss to report whether any thing, or what, ought to be done in pursuance of the last paragraph in the abovementioned letter, viz :

“As I must return without delay to New York, and as the business of the consulate must not be interrupted, my brother will do the duties here during my absence, in the same manner as those of the Consul of Charleston have been done to this time by the Vice Consul of Georgia. I must therefore beg, sir, that you will procure me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware, for his exequatur and notification of the character of Pierre François Barbé de Marbois, jr., as Vice Consul for the States of Pennsylvania and Delaware.”

It appears from the Journal of Congress of the 11th February, 1784, that M. De Marbois was Consul General for the thirteen United States. He, therefore, appears to have authority to appoint a Vice Consul, and, consequently, to have given a proper brevet for that place to his brother. No such brevet, however, appears, although it has heretofore been the practice to produce one previous to the recognition of a Vice Consul.

Your Secretary finds himself also embarrassed by the uncertainty which still exists respecting the execution of the convention proposed to be entered into by the United States and the King of France, for the establishment of consular powers.

That convention appears to have been sent to Dr. Franklin in the year 1782, with a resolution of Congress of 25th January in that

year, authorizing him to alter the words or arrangement of it, and some other matters.

In a letter of his to the President of Congress, dated the 25th of December, 1783, is the following paragraph :

“The treaty between this Court and the United States, for regulating the powers, privileges, &c., of Consuls is at length completed, and is transcribing in order to be signed. I hope to transmit a copy by the next post.”

Your Secretary cannot learn that any further information on this subject has since been received.

The second article of this convention provides that the Consuls of his most Christian Majesty, and of the United States, may appoint any number of Vice Consuls within their respective departments, upon the notification of their appointment by the Consuls to the supreme executive power of the State to which they may be sent ; the exequatur shall be applied for and delivered by the several States to them in the same manner as to Consuls ; and thereupon the pre-eminences, &c., stipulated in this convention in favor of Vice Consuls, shall be allowed in all places, before all tribunals, and by all persons.

From this it would seem as if any application to Congress, in the case of appointing a Vice Consul, was unnecessary. And this idea derives force from that part of the first article which makes it a duty of the Consuls “of his most Christian Majesty to present *their commissions*,” in the first instance, to the United States in Congress assembled, by whom an act shall be made recognizing them as such. This act being delivered to the State to which the Consul is sent, operates as a warrant to the executive power of that State to issue the exequatur ; but as to the case of a Vice Consul the first article is silent, and the second article appears to consider the notification of his appointment to the executive power, by the Consuls making it, as a sufficient warrant for issuing the exequatur.

If such be in fact a true construction of those articles, and the convention should be in full force, it seems very doubtful how far it would be advisable for Congress to depart from the line marked out in it.

As to the case adduced, of the Vice Consul of Georgia having done the duties of the Consul of Charleston, your Secretary, not having as yet been able to acquaint himself with the particular

circumstances of it, cannot judge how far it may or may not be applicable to the one under consideration.

All which is humbly submitted to the wisdom of Congress.

JOHN JAY.

Extract from the Secret Journal of Foreign Affairs, May 11th, 1785.

On the report of the Secretary for Foreign Affairs, accompanied with a letter of the 9th of April from the Chargé d'Affaires of France, and a commission from his most Christian Majesty, appointing the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort to be Consul of France for the States of North Carolina, South Carolina, and Georgia, to reside ordinarily at Charleston,

Resolved, That the said commission be registered in the Secretary's office, and that thereupon an act of recognition in due form be immediately issued to the States in question, in order that they may furnish the said Consul with their exequatur or notification of his quality, that the same may be made known and published.

The committee, consisting of Mr. King, Mr. Monroe, and Mr. Johnson, to whom was referred a report of the Secretary for Foreign Affairs, on the following paragraph in the letter of the 9th from the Chargé d'Affaires of France :

“As I must return without delay to New York, and as the business of the consulate must not be interrupted, my brother will do the duties here during my absence, in the same manner as those of the Consul at Charleston have been done to this time, by the Vice Consul of Georgia ; I must therefore beg, sir, that you will procure me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware for his exequatur and notification of the character of Pierre François Barbé de Marbois, jr., as Vice Consul for the States of Pennsylvania and Delaware,”

Report, that on the 14th day of September, 1781, it was resolved by Congress, “That until the ratification of some convention between his most Christian Majesty and the United States, concerning vice consular power, every Vice Consul of his most Christian Majesty shall, upon the application of the Consul appointing him to the supreme executive power of the State to which he may be sent,

‘receive the exequatur in the like form with the exequatur delivered to the Consul, *mutatis mutandis*; and thereupon the same proceedings shall be had with respect to publication;’ and although, subsequently to this resolution, on the 11th February, 1784, five brevets for Vice Consuls of France were presented to Congress, and registered in the office of the Secretary, and acts of recognition thereupon issued to the States concerned, in order that they might be respectively furnished with their exequaturs or notification of their quality, it appears that they were appointed immediately by his most Christian Majesty, and therefore not within the provision of the resolve of the 14th September, 1781; and as the United States have not ratified any convention between them and his most Christian Majesty concerning vice consular power, and the resolve of the 14th September, 1781, aforesaid, establishes a mode for the recognition and notification of Vice Consuls of France appointed by any Consul of that nation, which mode is to be observed until such convention may be ratified, the Committee are of opinion that it would be inexpedient to vary from the mode therein established until the ratification of such convention.

Resolved, That Congress agree to the report.



FROM JOHN JAY TO ROBERT MORRIS.

Office of Foreign Affairs, March 31, 1785.

Dear Sir,

Congress has directed me to cause the pictures of the King and Queen of France to be removed from Monsieur De Marbois's house to this place. That gentleman, intending soon to leave Philadelphia, is very solicitous to be relieved from the care of them, and has written to me within a few days past in pressing terms on the subject.

As Mr. Thomson purposes removing his family to this city, I had intended leaving these pictures where they are until his furniture was ready to be removed, and to request the favor of him to give them a place among his goods; but as Mr. De Marbois's leaving the house soon makes it necessary that they should be carried to a place of safety until a good opportunity offers of sending them here, I must

request the favor of you to be at this trouble, and to charge me with the expense attending it. It is not pleasant to trouble one's friends with such sort of matters, but the particular circumstance of the case must be my apology.

I am, &c.,

JOHN JAY.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, March 31, 1785.

Mr. Jay presents his compliments to Monsieur De Marbois, and has the honor of informing him that he has this day, by letter, requested the favor of Mr. Morris to receive and take charge of the pictures of the King and Queen of France. Mr. Jay flatters himself, therefore, that Mr. De Marbois will soon be relieved from his embarrassments respecting those pictures. Congress has ordered that they be brought to this city, and placed in their chamber; and this will be done as soon as the season will admit of their being transported with ease and safety.

JOHN JAY.

FROM ROBERT MORRIS TO MONSIEUR DE MARBOIS.

Philadelphia, April 15, 1785.

Sir,

Two days since I had the honor to communicate (by one of my clerks) a letter of the 31st of March, from the honorable Mr. Jay, requesting me to receive from you the pictures of the King and Queen of France, and you were pleased to appoint this day or to-morrow for the delivery of them. In consequence of your letter of this date, I asked the favor of Mr. Wright to examine these paintings, and give me his opinion of their present condition, in order that I might sign a certificate and receipt agreeably to your desire. Understanding that the pictures must be taken out of the frames, I employed Mr. Reynolds, an artist in that way, to take them carefully out, and

transport them to a place of safety, until proper cases were provided, and orders received for sending them forward to New York. Mr. Jay's request, as it now stands, being only to receive and deposit them in a place of safety. I am just informed that you have thought proper to refuse the delivery; and as I presume there must be some mistake, it is only from you, sir, that I can expect an explanation.

I am, sir, &c.,

ROBERT MORRIS.



FROM MONSIEUR DE MARBOIS TO ROBERT MORRIS.

Translation.

Philadelphia, April 15, 1785.

Sir,

When Mr. Wright and another gentleman applied to me this day, they told me your intention was to have the pictures of the King and Queen put up in your front parlor, and they accordingly took the dimensions of them, and agreed that they would fit the place. I told them I was sensible of your care and attention, but that the intention of Congress was not such; and that according to the communication of Mr. Jay, which I shewed to your clerk, "they had ordered that they be brought to New York, and placed in their chamber; and that this would be done as soon as the season would admit of their being transported with ease and safety by water." I added, that being fourteen feet high, and eight broad, they could not go from my house without putting the frames in eight parts; that dismounting and mounting them again, unscrewing and screwing thirty-three gilded screws, putting them up in a chamber, and taking them down again, would injure them, and they agreed this would be the consequence. They returned a second time, and their proposal, I think, was different from the first; they said your intentions now were to put them in some place in your house up stairs. I declined, because they could not be so deposited, uncased, without injury, and no cases of the magnitude they would require could be brought up stairs in any house here. I told them that if you would give directions to have them cased in my house, they might begin immediately; and I have the honor to inform you that it will be done so, if, upon

this communication of the intentions of Congress, you are of their sentiment. The only construction of the letters I have received is, that Congress will have these pictures go from my house to New York as soon as the season will admit, and certainly no season is more fit than the present or latter end of this month. As to the cases, they may be finished in four or five days, and in the meanwhile the pictures may stay in my house. If your sentiments are different, I shall have the satisfaction of presenting, myself, to the Congress the portraits of their allies; and this is what I expected when I applied to Mr. Jay to know their intentions on that subject.

I have the honor to be, &c.,

DE MARBOIS.



FROM ROBERT MORRIS TO MONSIEUR DE MARBOIS.

Philadelphia, April 16, 1785.

Sir,

My intentions with respect to the pictures were never made known to any of the persons who were employed to view and remove them, therefore it was not in their power to disclose to you what was unknown to themselves.

The information they gave must have been founded on their own conjectures, from the circumstance of my having desired the height of the pictures and the height of my front parlor to be taken; and afterwards, when I was informed that the frames of these pictures must be taken off before they could be got out of your house, I observed, in presence of one of those persons, that they might, in that situation, be deposited in one of my rooms up stairs, which could best be spared from the family use, until proper cases could be made for packing them. The idea of removing these pictures from your house is contained in Mr. Jay's letter to me, in the following words: "As Mr. Thomson purposes to remove his family to this city, I had intended to leave these pictures where they are until his furniture was ready to be removed, and to request the favor of him to give them a place among his goods, but as Mr. De Marbois's leaving the house soon makes it necessary that they should be carried to a place of safety, until a good opportunity offers of

‘sending them here, I must request the favor of you to be at this ‘trouble, and to charge me with the expense attending it.’ From this paragraph you must readily perceive that I supposed, especially as the vendue was over, that you were about to leave the house, and thence arose the necessity of removing the pictures. I was not very easy under the idea of responsibility for accidents that might befall them whilst in my charge, and had concluded to take them into my house as the safest place, with a determination (previously made known) of locking up the room and keeping my key in my own pocket the whole time they should remain there. Thus, sir, you will see it was not in my contemplation to screw and unscrew, to put them up and take them down, or make any ostentatious show of them. The veneration which I entertain for their Majesties, the respect I bear to Congress, and trust reposed by Mr. Jay, forbid such an idle display of vanity as you have done me the honor to suppose was intended on my part.

You tell me, sir, when you applied to Mr. Jay upon this subject you expected to have had the satisfaction of presenting yourself these valuable portraits to Congress. I am certain that if Mr. Jay had known of your expectation, he would not have applied to any other person, and as my desire is only to comply with *his*, I have not a wish to deprive you of the satisfaction you propose to yourself upon this occasion, and therefore relinquish any interference, although I am not insensible to the honor conferred by the trust which was committed to me.

I am, sir, &c.,

ROBERT MORRIS.

FROM ROBERT MORRIS TO JOHN JAY.

Philadelphia, April 16, 1785.

Dear Sir,

Soon after the receipt of your letter of the 31st ultimo I sent one of my young men to show it to Monsieur De Marbois, and ask him when he would wish to have the pictures removed. He fixed on yesterday or this day, (as his public auction was to be held on Thursday,) and yesterday I received a letter from him, of which the enclosure,

No. 1, is a copy. In consequence of it I sent Mr. Wright, a portrait painter, to view the condition of the pictures, and a carpenter to measure the height of them, to see whether I could place them in my front parlor, which, being clean and free from vermin, I thought would be the safest place I could put them in until you should order them for New York. It seems, from some conversation Mr. De Marbois had with the persons I sent thither, he took it into his head that I was going to shew off with their Majesties' pictures, vented some expressions of that purport, and finally refused the delivery of them.

As I had declined personal interviews with this gentleman for some time past, I wrote him the letter, of which No. 2 is the copy, received the answer, No. 3, and have closed the correspondence with No. 4. I will not take up your time by assigning what I suppose to be the reasons of Mr. De Marbois's conduct; all I wish is that mine may appear as proper in your eyes as it does in my own.

I am, &c.,

ROBERT MORRIS.

P. S. I have just received another letter from Mr. De Marbois, of this date, a copy whereof is enclosed, marked No. 5, to which I do not reply.



FROM MONSIEUR DE MARBOIS TO ROBERT MORRIS.

Translation.

Philadelphia, April 16, 1785.

Sir,

The letter which you have honored me with this morning, contains the most satisfactory explanations of a mistake occasioned by your commissioners' positive assertions. At the same time you may be assured, had it been consistent with the intentions of Congress, and the shape of the portraits and pictures, there is no house where I might have seen them deposited with more confidence of their preservation and safety than yours. As to a desire you might have had of putting them up in your house, far from attributing it to an idle display of vanity, I could not but be flattered with your wishes upon that point. Your letter explaining everything which had occasioned

a mistake, I would not have troubled you with this letter, had I not been desirous of removing, also, on your side every ungrounded idea which you might have formed on the occasion, and also of expressing my satisfaction that you do not disapprove of my forwarding myself to the Congress the pictures of their Majesties.

I am, sir, &c.,

DE MARBOIS.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, April 17, 1785.

Sir,

I have received the letters you have done me the honor to write to me, respecting the portraits of the King and Queen. I have learnt, with much satisfaction, the desire that Congress have to fix them in the place where they sit. I wish much to have the honor to present them myself. I have expressed this wish to Mr. Morris, and though he was anxious to take charge of them himself, agreeably to what you wrote us, he has, however, thought you would not disapprove his giving them in charge to me. I am extremely sensible of his complaisance on this occasion, and hope it will meet your approbation, that I may have the honor to present you these pictures the beginning of the next month.

I am, &c.,

DE MARBOIS.



FROM JOHN JAY TO ROBERT MORRIS.

Office for Foreign Affairs, April 22, 1785.

Dear Sir,

I have been favored with yours of the 16th instant, and exceedingly regret that your friendly compliance with my request, and for which I very sincerely thank you, has been the means of drawing you into so unpleasant a correspondence.

Be assured, my dear sir, that your conduct on the occasion appears to me to have been perfectly proper, and that I cannot perceive the least room to conclude or suspect that you were influenced by any other motive than those delicate, friendly, and honorable ones which uniformly direct and distinguish your actions.

With great esteem, &c.,

JOHN JAY.



JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, April 28, 1785.

Sir,

I enclose a letter I have just received from the Marquis de la Fayette. It contains, among others, a very interesting paragraph respecting Mr. Longchamps. Be pleased, sir, to read the whole to Congress, and I sincerely wish that his communication on that subject may be regarded as confidential.

I am inclined to think it might answer good purposes for me to send the Marquis (in a private letter) a copy of the report on the case of Longchamps. It might be the means of diffusing certain ideas at Versailles on that subject, which would promote our views without making Congress responsible for them, and tend to check any desire they may have to press us further about the matter.

I do not mean that a formal resolution should be passed, or that anything should appear on the Journals about it. Your Excellency will be able to perceive from the reception of this proposition whether the members generally approve of it—and a private hint to do or omit it will answer every purpose.

I have the honor to be, &c.,

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, May 16, 1785.

Sir,

I have the honor to send you a new memorial for Congress; in it

I have resumed the principal affairs respecting accounts which were mentioned in our last conversation. I earnestly request you to concur with me in adjusting these points. M. de Chateaufort only waits for the despatch of the recommendations of Congress to go to the place of his destination, and if I can send them to him to-morrow or the day after, he will receive them soon enough to depart in a packet-boat now at Philadelphia; otherwise he will be detained for some weeks.

I am, with great respect, &c.,

DE MARBOIS.

NOTE.

Translation.

New York, May 16, 1785.

The underwritten, Chargé d'Affaires of his most Christian Majesty, has the honor to submit to Congress several matters which have been presented to him, and respecting the greater part of which this body has passed several resolutions which have not received a final execution on account of the multiplicity of other objects in which they have been engaged. The greater part of these affairs respect those French subjects, who, not having received a satisfactory answer from the undersigned, have addressed his Majesty's Ministers, and he has received orders to press Congress, in the name of the King, to take effectual measures to satisfy the French creditors of the United States, and to give an account of the arrangements which shall be made by this body.

One of the most important subjects is that of loan-office certificates. The underwritten cannot enter into the detail of the deplorable state to which many French subjects, holders of the certificates, are reduced. But he had the honor to communicate to Congress the last year a list of such certificates as came to his knowledge; and after this communication, Congress, adopting the report of their Grand Committee of 27th April, 1784, recommend to the respective States "to admit strangers to a participation of the payment of the 'interest of loan-office certificates without distinction of citizens or 'strangers, and to extend to them not only the benefit of future

‘payments, but also those already made.’ Notwithstanding these recommendations, the French subjects see the payments of interest made as heretofore without their participation. The interest accumulates yearly, and the complaints of these foreign creditors are the more urgent as they see, by the payments made to the citizens, that it is not through the want of resources and means that they are not paid, but through reasons very distressing to the friends of the United States. The underwritten has addressed himself to one of the States of the Union, to press them to pay respect to the recommendations of Congress; the answer he received was by no means satisfactory, and clearly proves that it is from Congress alone that the French creditors are to expect justice.

Other French subjects have made deposits since the estimate that the underwritten has had made; but he thinks he can calculate that the sums that are due to them are not below five millions five hundred thousand dollars, nor above six millions. The deposits have been made at different times on account of individuals that were absent. They are invested with all the forms prescribed by law to prevent abuses in cases of this nature. The justice of Congress should authorize credit to be given to these individuals for the value of these funds at the time the different deposits were made; and the underwritten, on this occasion, prays that Congress would let him know whether claims of this nature ought to be classed amongst those which the resolution of the 17th March of this year has in view. In which case it would be proper to consider the distance of the French creditors, who cannot furnish the explanations that may be necessary in the space of a year, and the difficulty of stating the proof of the justice of their claims at the actual period, will perhaps determine Congress to adopt the measure which the underwritten takes the liberty to propose, to give an account to each of those persons of the value of paper money at the respective periods when the deposits were made, and the interest due since the said periods. Finally, if the proposition is not adopted, the underwritten prays that Congress will pass some resolution in behalf of these creditors, and to consider, at the same time, that the absence and distance of the French subjects does not permit them to sink their paper money, either by paying taxes or by purchasing lands, or by other means which may suit the citizens and inhabitants of the United States; that they cannot obtain real justice but by such arrangements as they

can negotiate, or selling effects by which they shall be paid, or making them serve for the payment of their particular debts.

The underwritten has had the honor of addressing Congress on other different subjects which have not yet been determined. He will only repeat here such as concern the liquidation of debts.

The claim made on Mr. Bingham, for several sums advanced by the treasurers and the correspondent of the Commissary at Martinique, has been taken into consideration by Congress the 16th December last, and it appears from the information received, that Mr. Bingham has been a long time paid by the United States. This affair having been more than five months before Congress, the underwritten requests that this assembly would inform him by what means he can come at the reimbursement of the sums due by Mr. Bingham, and as they are considerable, he has received fresh demands, dated 19th April last, from the Governor of Martinique, and he is lately informed that many accounts are suspended by the absence of Mr. Bingham, and by the delay of payment.

It is near three months since the underwritten has had the honor to submit to Congress the titles of a debt due by the United States to the Sieurs Sabatier & Despres, and which the Royal Treasurer has discharged. He prays that Congress would inform him of the arrangements made on this subject.

Finally, the 8th March last the underwritten renewed the demands which the Chevalier de la Luzerne had made on the 9th April, 1784. Congress then informed this Minister, by a resolution of 10th April of the same year, "That they would, with the greatest care, adopt 'subsequent measures for the punctual payment of the principal and 'interest at different periods, conformable to contract.'" This resolution has been transmitted to the court, and the underwritten has orders to inform his Majesty's Ministers with what effect it has been followed, and he prays that Congress would take up the letter which he wrote the honorable Mr. Jay on this subject, the 8th March last, and put him in a way of satisfying the orders he has received.

Congress will perceive the necessity of determining affairs of this importance, the issue of which whilst doubtful keeps many families in distress, and is inconvenient to many others; and he would wish it considered that the French creditors are the only persons who as yet have not participated in the advantages which the return of peace has procured the United States.

That there is not in the demands which the underwritten makes, any point the justice of which has not been acknowledged by Congress itself, and that, by renewing so frequently his demands, he but obeys the obligations which his station imposes on him, and complies with a duty which cannot be disagreeable to Congress whilst justice is its object.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, May 18, 1785.

Sir,

I have the honor of informing you that the business of Monsieur De Chateaufort is completed, and the papers respecting it are herewith enclosed.

Permit me to assure you that the other affairs which you have laid before me shall be immediately attended to.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, May 19, 1785.

Sir,

I have the honor of transmitting to you, herewith enclosed, an extract from the act of Congress on the subject of that part of your letter to me of the 9th ultimo which relates to the appointment of your brother as Vice Consul.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, May 19, 1785.

Sir,

I received the two letters you did me the honor to write, and the

resolutions relative to the Consul of Charleston and to the Vice Consulate that I had proposed for Philadelphia; I shall transmit the former without delay to M. De Chateaufort, as well as its provisions.

With respect to the demand which I took the liberty to make for my brother, it was founded on what has been practised with regard to the Vice Consul who has been charged with fulfilling the functions of the Consul of Charleston in the absence of the latter; but the form prescribed by the resolution of Congress of the 14th September, 1781, is sufficient, and I shall conform to it.

A vessel has lately arrived from Marseilles, and I am assured that at the time of her departure there were no accounts of the capture of any other American vessels by the Barbarians, except the one carried into Tangiers in October last. They add that the Moors desired to enter into a treaty with the United States, and that the other Powers of the Mediterranean, Africa likewise, expected overtures for treaties. I should have had the honor of communicating these particulars, of which, perhaps, you are already informed before, if I had not been on the eve of leaving town for a few days on my tour to Long Island.

I am, &c.,

DE MARBOIS.

—o—

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, May 26, 1785.

Sir,

I have the honor to transmit to your Excellency, herewith enclosed, a note from M. De Marbois, dated the 16th inst., on several interesting subjects, to which he is very solicitous that Congress would be pleased to pay early attention.

With great respect and esteem, &c.,

JOHN JAY.

—o—

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, June 1, 1785.

Sir,

I have the honor to communicate to you the copy of a letter which
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the King writes to the Congress of the United States. I request that you will be pleased to inform me when I can have the honor to deliver the original to his Excellency the President of Congress.

I am, with respect, &c.,

DE MARBOIS.

Translation.

Very dear great Friends and Allies,

It is with the greatest eagerness we inform you that the Queen, our very dear spouse, was delivered this day of a Prince, whom we have called the Duke of Normandy. We doubt not but that you will sincerely participate with us in the satisfaction which this fortunate event occasions, and that you are well convinced of the pleasure with which we shall receive the testimonies you shall give us thereof. We feel a very true one in availing ourselves of this opportunity to renew the assurances of our affection, and of our constant friendship for you.

And so we pray God that he will have you, very dear great friends and allies, in his holy and worthy keeping. Written at Versailles, the 27th March, 1785.

LOUIS.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, June 3, 1785.

Sir,

M. De Marbois has received for your Excellency a letter from the King of France, announcing the birth of his son, the Duke of Normandy.

He observes that Congress have not as yet been pleased to prescribe any form or ceremony or rule respecting the delivery of such letters to them from Sovereigns, as their Ministers residing here may be charged with. He wishes, therefore, to be informed whether he shall deliver the letter in question to your Excellency at your house, or in the Congress Chamber, or in a private audience?

In my opinion it would be proper to make a distinction between a Chargé d'Affaires, a Minister Plenipotentiary, and an Ambassador.

In the first case (which is the present) I think the Secretary for Foreign Affairs should conduct him to your Excellency's house, and that he should there deliver the letter.

I have the honor to be, &c.,

JOHN JAY.

*Report of Secretary Jay, on a Letter from the King of France
announcing the birth of a Prince.*

Office for Foreign Affairs, June 13, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to Congress from his most Christian Majesty, of 27th March last, announcing the birth of a Prince, reports the following answer to that letter, viz :

Great, faithful, and beloved Friend and Ally,

We have received the letter which your Majesty did us the honor to write on the 27th March last.

The magnanimity of your conduct towards us, in the day of our distress, will always lead us to consider every event as fortunate which adds to the domestic felicity of your family, and the general happiness of your people.

We consider the birth of a Prince as conducing to both these desirable objects, and we present to your Majesty and the Queen our sincere congratulations on that joyful occasion.

Permit us to assure your Majesty of our increasing gratitude and attachment, and of the sincerity with which we pray that the Almighty may always keep you and yours in His holy protection.

Done at New York, — day of June, 1785, by the United States in Congress assembled, your Majesty's faithful friends and allies.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, June 14, 1785.

Sir,

I have had the honor of frequently representing to Congress the disagreeable situation to which many of its creditors, subjects of his Majesty, are reduced. I have not been able to return them any satisfactory answer, and they have had too much reason to think that their interests were neglected. Many among them have taken the resolution to send over here Mr. Le Roy de Chaumont with their powers of attorney. I have the honor to address to you a memorial which he delivered to me, in which they set forth their demands, and the infinite damage which the non-payment of their debts occasions. I beg of you to submit it to the inspection of Congress, and to remind this assembly that my preceding steps have been taken by order of his Majesty, and that this is in consequence thereof. My first representations, dated in the month of November last, have been frequently repeated since. The Chevalier de la Luzerne had made similar representations before in the year 1783. Represent, I beseech you; sir, to Congress, that by taking a resolution on such important points to so many families, they will prevent the complete ruin of many among them. They will save, moreover, to many of their French creditors the expenses of a voyage which they purpose making to America, and the inconveniences of a derangement from which their affairs cannot but considerably suffer. Finally, they will avoid the painful sight of a number of French subjects soliciting, themselves, their justice, and showing to independent America her first friends ruined by refusals, in consequence of the confidence which they placed in her in the time of her greatest distress. You will be, sir, with pleasure the instrument of so just a demand, and I will never cease assuring the creditors of the United States, that they may place the fullest confidence in the justice of Congress and their respect for their engagements.

I am, sir, &c.,

DE MARBOIS.

MEMORIAL OF LE ROY DE CHAUMONT.

Translation.

The Memorial and Petition of James D. Le Roy de Chaumont, jr., Esq., in the name and behalf of the French Traders, who have been adventurers to the United States of America.

The French traders who have had dealings with the United States of America, and even lent sums to Congress, desire to implore its justice for the acquittal of the most formal, solemn, and explicit promise for the discharge of which the States in Union have pledged their faith, not only in a collective capacity, but also as individuals, and with a joint consent engaged to one another their "lives, their fortunes, and their sacred honors."

Happily for them, the honorable Congress have themselves, in a solemn, authentic, and irrevocable manner pronounced in favor of the French traders, and made impracticable the injustice which the enemies to their glory endeavor to make us fear.

The point in contest has a reference to the manner in which the paper money of the United States, owed to his most Christian Majesty's subjects, shall be paid.

This paper money may be considered relatively to two different epochs, that of its creation, and that of the thirteenth of September, 1779, when a solemn deliberation of Congress was issued, on which they ground their claim.

At the creation of this paper its nominal was its real value; when the honorable Congress circulated a stamped money to the amount of a hundred Spanish dollars, it is incontestable that this paper represented a hundred dollars; that it acquitted Congress of a hundred dollars, with the person who received it.

The multiplied wants of Congress, and the scarcity of money in numery specie, having much increased the quantity of this paper, its value fell in proportion. Suspicious and insinuations dexterously propagated intimidated the people, and gave them room to fear its being fully acquitted at last. These fears became more and more prevalent. They themselves, for whose preservation it had been emitted, refused to take it at its nominal value, which brought Congress into a sad dilemma.

They must either let these fears subsist by their silence, and then the depreciation gradually increasing, no one would have received it under any value whatever; the natural consequence of which would have brought them again under the tyrannical yoke which they were endeavoring to break; or else ensure, by a striking and solemn act, the full payment of this paper money, notwithstanding the visible losses they had sustained, by which step they resume their importance, give fresh proofs of fortitude, enable themselves to procure arms and ammunition, and by their consent to a voluntary loss, assure forever their liberty and victory. This latter step was altogether the most wise and most generous, and similar to the conduct of the Romans, who sold the field on which Hannibal was encamped as high as if the enemy had been dislodged from it.

The latter determination was the part Congress took in their unanimous resolution at the remarkable epoch of the 13th September, 1779, notified in the form of a circular letter, not only to America or to France, but to the whole world.

This letter seems to have been framed with a design of interdicting Congress or any of its members from ever admitting the least thought of retracting so sacred an engagement, so strongly every line and sentence thereof are calculated to guard against the least infringement of the same.

In this letter Congress begin with laying out to the eyes of the public the facilities of the United States, enabling them to pay this national debt by cancelling this paper money; the totality of the national debt (as it is supposed in this letter) ought to amount at the end of the war to 300,000,000 dollars.

“There are at present 3,000,000 of inhabitants in the thirteen States; three hundred millions of dollars divided among three millions of people would give to each person one hundred dollars; and is there an individual in America unable, in the course of eighteen or twenty years, to pay it again? Suppose the whole debt assessed as it ought to be on the inhabitants, in proportion to their respective estates, what would then be the share of the poorer? perhaps not ten dollars.”

After having thus held to the public view the solidity of the means of payment they had in their power, this circular letter displays their desire of acquitting the debt, and confirms this desire by three convincing arguments. The first of which is,

Whether and in what manner the faith of the United States has been pledged for the redemption of their bills.

The second, Whether they have put themselves in a political capacity to redeem them; and

Thirdly, Whether, admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith.

It is particularly on this last point that the circular letter insists with the greatest power of persuasion, becoming to truly free and glorious souls.

After having reminded that the United States, in order to make themselves free and independent, had reciprocally bound themselves to one another with their lives, fortunes, and honor, Congress exclaims that "it is with grief and reluctance that they can prevail upon themselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

"A bankrupt, faithless republic would be a novelty in the political world, and appears among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea: her citizens know for what purpose these emissions were made, and have repeatedly plighted their faith for the redemption of them.

"We are convinced that the efforts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice and the suggestion of chagrin and disappointment, and not being able to bend our necks to their yoke, they will endeavor to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may thenceforth be a reproach and a by-word among the nations. Apprised of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

"Let it never (says the Congress at the end of this unanimous letter) be said that America had no sooner become independent, than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith in the very hour when all the nations of the earth were admiring, and almost adoring, the splendor of her rising."

Such are the terms by which Congress has ensured to the world

in general the payment of their bills of credit, or ratified it. Since this circular letter is but a recapitulation of the solemn engagement entered upon on this matter at the time of its original rise, and at several other subsequent epochs, so that, to use the very terms of that letter, "whoever examines the force of these and similar observations must smile at the ignorance of those who doubt the ability of 'the United States to redeem their bills.'"

Notwithstanding all this, Congress has been pleased to give out a resolution, dated June 28, 1780, with a tariff of depreciation and reduction of their paper currency, in which they fix four epochs of gradual depreciation, by which this paper is so excessively reduced that, for instance, the first of September, 1779, that is to say, at the very period when Congress so solemnly ensured the payment of it, eighteen paper dollars at this time were reduced to one Spanish milled dollar, which makes the creditor liable to lose seventeen times the real value of his own property.

Had the stroke of this immense reduction fallen on the citizens of the United States only, the French traders would have had no room to complain, because, upon the whole, this would have proved but an internal and economical arrangement, by virtue of which all the American debtors, united and represented by their own deputies, would accelerate their liberation by a sudden diminution of their enormous debt; and even then the French traders would have to complain about it, if such reduction should incapacitate the American private proprietor to pay those he had traded with.

And the French nation maintains that this reduction cannot, with the least shadow of justice, fall upon them; that with respect to them, "it would be against the immutable laws of justice and honor, that it would be against the faith and interest of all America, to 'be ever prevailed to support or countenance or permit so ruinous a 'measure; and that it would be impossible that America should think 'without horror of such an execrable deed.'"

We need not recur to the qualifications Congress has previously given to such an operation, in order to defeat and make the same void. Plain reflections, arising from facts known to the whole world, will sufficiently demonstrate the horrible injustice that would ensue from it.

One or the other of the two following suppositions must be

admitted, viz: either we must suppose that Congress, at the time they were giving to the world the solemn and satisfactory assurance held out in their circular letter of the 13th September, 1779, entertained a secret intention one day to break it; or else admit that they gave it out bona fide.

The first of these suppositions is inadmissible; there would be an end to all human societies in the world, mankind would be degraded below the beasts of prey, if it was possible to suppose a convention of fifty public men, picked out from the most illustrious and most virtuous characters among thirteen United States, unanimously attesting to the world in general, in terms expressive of the most intended faithfulness, that they are entering into the most solemn engagement, which they mean to fulfil at the peril of their fortunes and lives, yet in the same time unanimously plot the most abominable project to baffle the world. So hateful and monstrous a project cannot be supposed, without casting an odious slander on the human nature in its generality. Therefore, it must be admitted as an incontestable truth that Congress, unanimously contracting their joint engagement of the 13th September, 1779, for the realization and integral payment of their paper currency, do it with a serious and real intention honestly to fulfil the same. They were not ignorant at this epoch of the enormous losses they were involved in by the depreciation of this paper. Nevertheless, this very day they were freely delivered, clear from any deduction, constraint, or fraud; no investigation or allurements biased or influenced their judgment; but with an even and impartial hand they balanced the threatening danger of falling into an inextricable slavery in consequence of the total discredit of their paper, with the necessity of supporting its credit. By overlooking its depreciation, the Americans remain defenceless, exposed to the continual attacks of a formidable enemy; on the other hand to submit to an enormous pecuniary loss is an intolerable inconveniency; yet they, with a full knowledge of the consequence, preferred the latter.

Now let any man point out among the nations a code wherein you may read that a people that has entered into a solemn contract with foreign nations, by representatives of their own choice, invested with the political capacity of binding their constituents, still retain the right and liberty of retroceding from the contract, and exempting themselves from the execution of the same.

We might stop here, where the cause appears decided, yet let us

proceed to prove the justice and validity of the engagement under consideration ; it may be pronounced just, because the depreciation of the paper currency is become, in fact, a contract, denominated in the laws of nations a *gross adventure* contract, admitted as lawful among all nations.

It is just also because the paper under consideration, lodged in the hands of French traders, ought to be considered, not in an abstractive, but in a collective view, as an aggregate. It is likewise so, because its actual depreciation, existing at the very time that Congress was assuring the public of the integral payment thereof, has been the salvation of America.

Finally, it is so with respect to the French traders, because, by two essential reasons of incontestable difference, they cannot be made even with the Americans. Let us briefly unfold this truth.

First, let us define what is meant by a *gross adventure contract*. It is a contract wherein the peril of the real capital justifies and legitimates the magnitude of the interest, however excessive they may appear.

All jurisconsults and civilians agree that it is not possible to determine a stated rate of interest on a sum given out by a gross adventure contract, and maintain that the interest thereof is and ought to be in proportion to the peril the adventurer in gross adventure perceives, and right or wrong foresees his capital may be liable to.

Now, laying aside all prejudices, notwithstanding the encouraging assurances exhibited in Congress's circular letter of the 13th September, 1779; notwithstanding the confidence Congress has always successfully expressed in their decrees and proclamations, if all assistance from Europe had failed to the Americans before or at the 13th September, 1779, to June, 1780, (and it would have certainly failed had Europe been capable to think that Congress expected that no more than the eighteenth and the fortieth part of that currency would be realized,) was it not infinitely probable that they would have fallen under the yoke of their oppressors, notwithstanding the dint of a respectable fortitude, but impotent, when destitute of arms, ammunition, or any other resistance whatever, to oppose a powerful nation, exasperated and unrelenting, hiring warriors from other nations at the highest rates. Had this been the unhappy fate of the Americans, what then would have become of the paper money? It would have been absolutely lost to French creditors in whose hands

it remained, and the first step of England, repossessed of the people she highly stigmatized with the opprobrious name of rebels, and which the event, supreme judge of these grand questions decides, would have been to declare by a decree the emission of such a paper a glaring act of rebellion and felony. The French nation, then, in furnishing the Americans with provisions, warlike stores of all kinds, with cloths and stuffs for the clothing of the troops, and money, and yet receiving in payment for these but an insignificant paper, have then really laid out their property at the *gross adventure*, on the uncertain independency of America, and consequently the integral payment is justly due to them for all the paper money they are possessed of. Moreover, the French traders were gainers on some articles and losers on some others; one operation was advantageous, the other injurious; and they were obliged to sell their cargoes at a great loss by unforeseen occurrences; so that the true manner of arguing with a French trader would be to tell him you have transacted twenty or thirty affairs with America during the course of the war, you have been gainer in some, and loser in others, sum up the whole, what profit would you really have made, or could you reasonably have expected to make, had you traded with us for silver, and not for paper? And then it will appear from this proposal that this would lead into endless and impracticable liquidations.

Moreover, the integral payment of the paper currency is just and equitable, because its depreciation at the time that Congress assured the integral payment thereof has been the salvation of America. Far be from us any idea merely bright and paradoxical; in speaking on so great concerns, nothing but solid and palpable truth should be advanced; the last proposed is of this number.

Had America paid in solid silver for our imported cargoes, at the very instant we are writing this she would be under the yoke. What French traders would have undertaken either to pay insurances at seventy-five per cent. or run the inevitable risk of enormous losses, had he not expected to be indemnified from these at the end of the contest, with respect to the difference between the nominal value of the paper money and the real value thereof. Supposing the American people had been furnished with ready cash, could they have been prevailed upon to submit to the great sacrifices naturally arising from the actual and rapid depreciation of the paper currency; sacrifices, however, indispensable to draw the affluence of Europe in the midst

of greatest dangers, and bring all the assistance of warlike and victualling supplies requisite to encourage a vigorous defence? But the French trader was arguing with himself after this manner: It is true I send out an immense export, I expose my fortune to the greatest dangers, but by the nature of the payment I shall receive in America I shall make six times, perhaps ten times, the amount of my cargo; so, out of ten exportations, let one succeed, I am clear of loss, and I shall have assisted in the cause of liberty. In this point of view it may be said that the very insolvability of America has proved her strength and safety, and having but a very limited metallic currency, which soon was expended, at the very beginning of her struggles, had she held up her paper currency to the strict amount of its nominal value, Europe, uncertain on the final payment thereof, (payment absolutely dependent on the great event either of victory or defeat,) could not, consistently with common sense, have sent into America cargoes in which the danger of a considerable loss could not have been compensated by the possibility of a great gain.

We should willingly leave it to the justice and wisdom of Congress to weigh this argument. In good earnest, when, notwithstanding the fortitude and skilful manœuvres of the immortal Washington, the cause of liberty received repeated checks; when the perfidious Arnold was selling his country to her oppressors; when Vaughan was reducing the town of Esopus to ashes, and putting all to sword and fire; when the wily savages, bought by England, burnt and devastated the frontiers; when Charleston, New York, Boston, and Philadelphia itself, successively fell under the British power; when Congress was obliged to move from place to place to get an asylum; could it, consistently with reason, be presumed that ten thousand dollars in paper money would be received by a French trader on the same footing with ten thousand real dollars in solid silver? Had Congress let but a glimpse of this thought arise in the minds of the people, it would instantly have cut off all assistance from Europe, of all private adventurers, and war, issuing into a worse slavery than before, would have been of a short course; thus, does it plainly appear that America is as much indebted to the gradual depreciation of her paper as to her valor and the success of her arms, for the glorious liberty she now enjoys.

Finally, the integral payment of the paper currency is an act of justice with respect to the French traders, because the French and

Americans cannot equitably be viewed under one and the same predicament. This position is demonstrable by four incontestable arguments, which I shall here unfold :

1st. The Americans, as a balance to this reduction, have acquired a value which cannot be appreciated—*their liberty*.

2dly. The Americans, formerly, were in their individual capacity creditors ; but in a collective capacity, and as a people, they were debtors : they lie under a bounden obligation of acquitting this paper, as a people. Now, for a part of this money remaining in their hands, they acquit it collectively, by way of the reduction approved by Congress. Where lies the difference between acquitting the said paper by reduction or by a successive imposition of taxes intended for the discharge thereof ? By the first they save the heavy expenses and the inevitable intricacies attending the imposition and collection of public taxes.

3dly. The American, placed on the very stage where these eventual and changeable scenes took their rise, ocular witness of the daily depreciation which he himself caused, either by the refusal of this currency, or (which amounts to the same) by enhancing the prices of his own produce or other articles he had to sell, made continual gains, which enabled him one day to support the taxes necessary for the acquitment of his paper. The French trader, on the contrary, who sent out his vessel and cargoes, ignorant, at the time of their landing and departure, as well as at the period of their arrival, what would be the actual value of the American paper, was, in fact, sending his property to a lottery, where he eventually might either lose or gain ; as it was very possible that by a series of successes the paper should stand at the moment he was selling out his cargoes ; and *vice versa*, that at the time he was paying or buying the return of his cargoes, a chain of unfortunate events should make the same paper fall.

4thly. The American, though he had in his hands a depreciated money, nevertheless his paper was a current money, and he was daily laying out the same to carry on his business and commercial operations ; what he was losing on this money he could retrieve, and even increase, by trade ; but what use could the French traders put this money to in Europe, where it had no currency at all ? Consequently, it remained dead or dormant in their pocket-books for whole years.

These differences of situation between the French and the Americans are so striking as to make their overlooking it a matter of wonder.

There is a peculiar class of French traders who deserve all possible regards, and I dare say the gratitude of Congress, I mean those who have lent to Congress the paper currency they were in possession of; for if Congress themselves own, in their circular letter of the 13th September, 1779, that the discredit of this paper raised from the multiplication of the same, from the instant wherein the sum in circulation exceeded the sum requisite as a medium of commerce, it hereby appears that if the French traders have lent to Congress the tenth part of the paper currency of their own emission, they saved them the trouble of increasing the same to a tenth above their first emission. The French, therefore, have thus diminished that very depreciation to which they are at this day threatened to be made liable.

Are these the men to whom Congress would refuse payment? Let them consider the generous manner in which France has acted after the cession of Canada, with respect to the Canadian paper currency, which was in the hands of British proprietors. This instance may, with great propriety, be offered to them as an example worthy of imitation. France, at that period, was certainly bound by no ties of gratitude to the British nation and its individuals, bearers of her Canadian paper currency. France had no friendly connections then with such Britons as Congress now sustain with the French traders, by a solemn and unavoidable contract. France was not ignorant that a large quantity of her Canadian currency was in the hands of the English by virtue of operations which could not have passed a strict scrutiny. France overlooks this, to square her conduct to the great principles of the laws of nations, by which nations are reciprocally bound; and she paid, without taking advantage of any reduction or deduction. How, then, could Congress avoid to tread in the same steps, when a fundamental principle of the laws of nations joins its sacred contract, and declaration by them expressly proclaimed, which will ever stand against them, "Knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed."

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, June 27, 1785.

Sir,

It was not until the day before yesterday that I received the letter you did me the honor to write on the 14th instant, enclosing a memorial of M. De Chaumont. I shall immediately communicate both to Congress, and, without delay, inform you of whatever resolution they may come to on the subject.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 1, 1785.

Sir,

There was concluded, the 25th February, 1783, a contract between the King and the United States. According to the terms of this contract, negotiated a little time after the peace, his Majesty had lent to Congress the sum of six millions, and he has made a release to the United States of the interest of part of the year 1783. But you will see, sir, by the fourth article, that the interest agreed upon commenced the beginning of the year 1784, and that the first payment ought to have been made at the commencement of this. I beg you will be pleased to lay this contract before Congress.

I am, &c.,

DE MARBOIS.

LOAN, CONTRACT.

The United States in Congress assembled,

To all who shall see these presents, send greeting:

Whereas Benjamin Franklin, our Minister Plenipotentiary at the Court of Versailles, in pursuance of the powers in him vested, did, on the 25th day of February, in the year 1783, with Charles Gravier

de Vergennes, &c., Counsellor of the King in all his Councils, Commander of his Orders, Minister and Secretary of State, &c., vested with full powers of his most Christian Majesty for the purpose, enter into, conclude, and sign a contract between his most Christian Majesty and the United States of North America, in the words following, viz :

Contract between the King and the Thirteen United States of North America.

The reëstablished peace between the belligerent Powers, the advantage of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities by means of the resources within themselves, without being compelled to implore the continuation of the succors which the King has so liberally granted during the war. But the Minister Plenipotentiary of the said United States to his Majesty having represented to him the exhausted state to which they have been reduced by a long and disastrous war, his Majesty has condescended to take into consideration the request made by the aforesaid Minister in the name of the Congress of the said States, for a new advance of money, to answer numerous purposes of urgent and indispensable expenses in the course of the present year ; his Majesty has, in consequence, determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of 6,000,000 livres Tournois, under the title of loan, and under the guarantee of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said States.

And as it is necessary to the good order of his Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for the payment of the 6,000,000 livres in question, and to regulate the conditions and terms of reimbursement, which should be made at his Majesty's Royal Treasury at Paris, after the manner which has been stipulated for the preceding advances by a former contract of the 16th July, 1782 ;

We, Charles Gravier Count de Vergennes, &c., Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal

Council of Finances, Counsellor of State, &c., Minister and Secretary of State, and of his Commands and Finances, invested with full powers by his Majesty, given to us for the purpose of these presents ;

And we, Benjamin Franklin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers, by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles :

ARTICLE I. The payment of the 6,000,000 livres, French money, above-mentioned, shall be made from the funds of the Royal Treasury, in proportions of 500,000 livres, during each of the twelve months of the present year, under the acknowledgments of the Minister of the said United States, promising, in the name of Congress and in behalf of the thirteen United States, to reimburse and refund the said 6,000,000 livres in ready money, at his Majesty's Royal Treasury, at the house of the *Sieur Grand*, banker at Paris, with interest at five per centum per annum, at periods hereafter stipulated in the third and fourth articles. The advances which his Majesty has been pleased to allow to be made on account of the 6,000,000 in question, shall be deducted in the payments of the first month of this year.

ARTICLE II. For better understanding the fixing of periods for the reimbursement of the 6,000,000 livres at the Royal Treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by his Majesty, amounting in the whole to the sum of 18,000,000 livres, reimbursable in specie at the Royal Treasury, in twelve equal portions of 1,500,000 livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of 5,000,000 Dutch florins, amounting, by a moderate valuation, to 10,000,000 livres Tournois, the said loan made in Holland in 1781, for the service of

the United States of North America, under the engagement of the King to refund the capital, with interest at four per centum per annum, at the general counter of the States General of the United Provinces of the Netherlands, in equal portions, reckoning from the sixth year of the date of said loan; and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to reimburse the 10,000,000 of said loan, in ready money, at the Royal Treasury, with interest at four per centum per annum, in ten equal portions of a million each, and in ten periods, from year to year, the first of which shall take place in the month of November, 1787, and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of 10th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the King, 3,000,000 of which were granted before the treaty of February, 1778, and 6,000,000 in 1781; which aids and subsidies amount in the whole to 9,000,000 livres Tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

ARTICLE III. The new loan of 6,000,000 livres Tournois, the subject of the present contract, shall be refunded and reimbursed, in ready money, at his Majesty's Royal Treasury, in six equal portions of 1,000,000 each, with interest at five per centum per annum, and in six periods, the first of which shall take place in the year 1797, and so on, from year to year, until 1802, when the last reimbursement shall be completed.

ARTICLE IV. The interest of five per centum per annum of the capital of the 6,000,000, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money, at his Majesty's Royal Treasury at Paris, on the same day of each year, the first of which shall take place the 1st January, 1785, and so on from year to year, until the definitive reimbursement of the capital. His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States, the partial interest of the present year, which the underwritten Minister of Congress has declared to accept, with acknowledgments in the name of the said United States.

ARTICLE V. The interest of the capital of the 6,000,000 shall

diminish in proportion to the reimbursements, at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves by anticipated payments, should the state of their finances admit.

ARTICLE VI. The contracting parties will reciprocally guarantee the faithful observation of the foregoing articles, the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner, if possible.

In faith whereof, we, the Ministers Plenipotentiary of his Majesty, and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Done at Versailles, the 25th day of February, 1783.

GRAVIER DE VERGENNES.

B. FRANKLIN.

Now, know ye that we, the said United States in Congress assembled, impressed with a lively sense of the assistance and affection manifested by his most Christian Majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm, the said contract and every article thereof.

And we do hereby empower our Minister Plenipotentiary at the Court of Versailles to deliver this our ratification, in exchange for the ratification of the said contract on the part of his most Christian Majesty.

In testimony whereof, we have caused our seal to be hereunto affixed, witness, his Excellency Elias Boudinot, President, this 31st day of October, 1783, and of our sovereignty and independence the eighth.

Attest,

CHARLES THOMSON,

Secretary.

—O—

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, July 2, 1785.

Sir,

I have received the letter which you did me the honor to write yesterday, together with the paper mentioned to be enclosed with it.

Agreeably to your request it shall be immediately laid before Congress, and I shall take the earliest opportunity of communicating to you whatever answer I may be directed to convey on the subject.

I have the honor to be, &c.,

JOHN JAY.

—o—

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 18, 1785.

Sir,

I have the honor to address to you a copy of a letter of the King to the Congress of the United States.

I beg the favor of you to inform me when and in what manner the letter should be delivered.

I am, &c.,

DE MARBOIS.

—o—

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, July 19, 1785.

Sir,

In obedience to the orders of Congress I have the honor of transmitting to you, herewith enclosed, a copy of a letter of the 4th of April last from Mr. Read, Secretary in the Marine Department, on the subject of Pierre Rousille's memorial, to which it affords an answer, which I flatter myself will appear satisfactory both to you and to him.

I have the honor to be, &c.,

JOHN JAY.

—o—

FROM ROBERT MORRIS TO JOHN JAY.

Philadelphia, April 6, 1785.

Dear Sir,

You will receive, herewith enclosed, the translation of the memorial

of P. Rousille, being the same that was enclosed in your letter of the 3d ultimo, and you will also receive herewith the report of Mr. James Read, as Secretary to the Agent of Marine, he being in possession of the books and papers of that department. I believe his report to be very proper, and upon any future occasion he will be ready to obey your commands. I mention this for the sake of propriety, not to save myself trouble, because I shall never think anything troublesome which may enable me to comply with any request of yours.

I am, &c.,

ROBERT MORRIS.

FROM JAMES READ TO ROBERT MORRIS.

Marine Office, 6th April, 1785.

Sir,

I have read with attention the memorial of P. Rousille, which was transmitted by his Excellency the Secretary for Foreign Affairs, with his letter to you dated the 30th of last month; upon which I beg leave to observe that the officers and crews of the respective ships and vessels of war belonging to the United States, had the right (and I believe it was generally exercised) of choosing and appointing their own agent or agents to receive and distribute the proportion of prize money which should appertain to them as captors, and over which the United States did not reserve any control; wherefore, I presume the memorialist ought to exhibit his claims for prize money to the agent or agents whom he concurred in choosing, or to their legal representatives; and from what is set forth in the memorial, I cannot hesitate to suppose that Captain Tucker had been chosen by his crew to be their agent.

If M. Rousille has any claim against the Marine Department of the United States for pay due to him before the 1st of January, 1782, it ought to be exhibited to Joseph Pennell, Esq., the Commissioner appointed to liquidate and finally settle the accounts of the department up to that time. I cannot discover, by any documents now in this office, that M. Rousille has been in the marine service subsequent to that period.

I have the honor, &c.,

JAMES READ, *Secretary.*

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 19, 1785.

Sir,

I have received the letter of this date with which you honored me, and the copy enclosed of a letter from Mr. James Read, in answer to the memorial of Pierre Rousille. I shall forward it to this latter that he may produce the papers which are required of him. I am much obliged to you, sir, for the attention you have bestowed on this subject.

I am, with respect, &c.,

DE MARBOIS.

 FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, July 20, 1785.

Mr. JAY presents his compliments to M. De Marbois, and subjoins an extract from a letter which he has this moment received from Secretary Thomson, viz: "The design of this is to inform you that there has happened a mistake in the delivery of the letter from his most Christian Majesty. Your translation is of a letter dated 10th May, 1785. But the original letter delivered to the President is a duplicate of the letter of 27th March, informing Congress of the birth of the Duke of Normandy."

 FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Written in English.

July 20, 1785.

Sir,

I have at home the letter dated 10th May, 1785, at least I must suppose I have it, as I received two addressed to Congress similar on

the outside, excepting that the words *La Fayette* have been written with a pencil on the letter which I had the honor to deliver this morning to his Excellency the President. I shall bring the other to-morrow, and shall have the honor to agree with you, sir, about the manner of delivering it.

I have the honor to be, &c.,

DE MARBOIS.

—O—

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 29, 1785.

Sir,

The resolution of Congress, of which I subjoin a copy, has been communicated to the heirs of the late Monsieur de Coudray. In consequence whereof they have sent me power to conclude this affair with Congress. I beg the favor of you to put me in capacity to inform them of the resolutions of this assembly.

I have the honor to be, &c.,

DE MARBOIS.

—O—

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, August 2, 1785.

Sir,

On Friday last M. De Marbois called upon me to inquire whether Congress had as yet directed any answers to be given to his memorials under their consideration. In the course of the conversation he mentioned the affair of Longchamps, and informed me that his Court would not persist in their demand of him. He proposed that the paper containing that demand, together with those that accompanied it, should be returned to him, so that the matter might remain as if no such demand had been made. If this idea should be adopted, the proposed letter to his most Christian Majesty would be unnecessary if not improper. He expressed a wish that Congress would pass

resolutions asserting the rights of Ministers, &c., and recommending to the States to pass laws to punish violations of them in an exemplary manner. If Congress should think proper to pass such resolutions, a copy of them might be enclosed to the King of France in a letter calculated to remove any uneasiness which may remain in his mind from the case of Longchamps.

I have the honor to be, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, August 9, 1785.

Mr. JAY presents his compliments to M. De Marbois, and has the honor of transmitting to him, herewith enclosed, a copy of an act of Congress of the 3d instant, on the subject of his note respecting demands on the United States by the heirs of certain French officers who died in the American service.

—

Extract from the Journal, August 3, 1785.

“On the report of a committee, consisting of Mr. Grayson, Mr. Howell, and Mr. King, to whom was referred a report of the Paymaster General on a note from the Chargé d’Affaires of his most Christian Majesty:

“*Resolved*, That in consideration of the peculiar circumstances under which Colonel Radiere, who died in the service of the United States in the year 1779, entered the service, the Paymaster General be, and he is hereby, directed to extend to his case the benefit of the resolution of April 10th, 1780, relative to depreciation.

“*Resolved*, That the Paymaster General be, and he is hereby, directed to settle with the widows and orphans of officers who did not belong to any of the United States, entitled to seven years’ half-pay, under the resolution of August 24th, 1780, and to issue to them certificates therefor :

“Resolved, That existing resolutions of Congress sufficiently provide for a just settlement of the accounts of the late Baron de Kalb; and that the Paymaster General be, and he is hereby, directed to govern himself accordingly.”



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Long Island, August 10, 1785.

Sir,

I have received the resolution of Congress of the 7th instant, which you did me the honor to address to me, respecting General De Kalb and M. De la Radiere. They are such as the heirs of these officers could wish, and I doubt not but they will be perfectly satisfied with them.

I am, with respect, &c.,

DE MARBOIS.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 20, 1785.

Sir,

There has been presented to me, by several French merchants, a memorial, the copy of which I have the honor to address to you; their representations having for an object the preservation and the progress of a commerce reciprocally useful to the two nations. I beg that you will be pleased to present it to Congress, that this assembly may take it into consideration, and adopt, on this occasion, such measures as they may judge proper to preserve the good correspondence between the French and American merchants.

I am, with respect, &c.,

DE MARBOIS.

REQUEST PRESENTED BY THE FRENCH MERCHANTS TO THE CHARGÉ
D'AFFAIRES OF THE KING.

Translation.

TO M. DE MARBOIS, *Chargé d'Affaires for France.*

Sir,

The undersigned, French merchants and navigators, established in America, have the honor of observing to you, that two laws have just been published, one in the State of New Hampshire, and the other in Massachusetts, which tend to destroy all commercial connection between France and these two States. The underwritten are established on this continent, and navigate there in faith of the treaty of commerce, and have never had reason to foresee the measures, which will bring on the ruin of their operations.

These two acts import that, reckoning from the 1st of August ensuing, Piscataqua, in New Hampshire, and Boston, Falmouth, and Dartmouth, in Massachusetts, shall be the only ports where strangers shall be admitted. This exclusion of the other ports of these two States, is by so much the more hard for them as the Americans are admitted into all the ports of the Kingdom without exception, and that an American vessel is received in France everywhere where a French vessel is admitted. There are even four free ports where they enjoy the most entire liberty, and one of these ports has been specially opened for the Americans, and to favor their navigation they pay no duties there; they can enter and go out at pleasure. Their condition, then, is very different from that of the French, who, excluded from the ports of the two States, except four, are moreover obliged by these two laws to pay in these four ports such exorbitant duties as may be considered an absolute prohibition against entering and carrying on commerce within these two States.

Without doubt the intention of these laws is to favor the American navigation; but the Legislatures had it not in view entirely to destroy the competition of strangers, and this will, however, be the effect of this law. It absolutely shuts up the entrance of the ports of the two States to all strangers, without distinction; and they will be obliged to seek elsewhere the different articles they formerly had from here.

The duties of 7-8 per ton, from which the subjects of the nation are exempt, and which are to be received from strangers, added to a double duty on the merchandizes imported, make a charge which no adventure can support. It is such that when a cargo imported by the subjects of the State shall pay a duty from £400 to £500, the stranger pays from £1,200 to £1,500. The laws in question are so much the more hard as the Americans enjoy very great advantages in the Kingdom; they are admitted into all our ports; they exclude us from the greater part of theirs; they have four free ports in France, and so far from opening free ports to us, they establish exorbitant duties.

The fifth article in the treaty of commerce secures in their favor an exemption from the duty of 100 sols per ton, and they have imposed on the French a duty of 7-8 per ton, equivalent to 6-14 Tournois, independent of other duties; so that a vessel of three hundred tons will pay at her arrival 20-10, even though she should be in ballast. Commerce cannot support such charges, more especially when they are unforeseen, that they disconcert all the calculations of a shipper, and surprised, as it were, in a defile, he must determine to lose whether he sells his cargo at the place or transports it elsewhere.

It does not belong to us to examine whether the treaty of commerce has been violated by the laws in question, and we ought the rather to abstain from this examination as we are persuaded that the Legislatures had not this intention. We beg you to consider, however, that the object of the treaty was equality and reciprocity, and that our condition is not equal to that of the Americans, as they are received in all the ports of the Kingdom, and they have just excluded us from theirs in two States.

We beg, also, that you will examine whether the same fifth article of the treaty of commerce does not imply that there shall be no duties of tonnage established in America as long as that of 100 sols shall not take place in France with respect to the Americans.

We have already had occasion to make known our sentiments with regard to this law, and we have been answered that every Power has a right to regulate its commerce; that is to say, that the King can suppress the free ports that he has opened to the Americans, and establish in the others such high duties as may amount to a prohibition. But, first, we are far from desiring that the Americans

should be excluded from our ports; on the contrary, we wish that they may enjoy all sorts of advantages, and that there may be established between the two nations, a commerce of kindnesses and reciprocal services of friendship, founded on mutual utility. Secondly, the King, according to the terms of the treaty, ought to treat the Americans as the most favored nation. Thus he cannot impose on their ships and merchandizes, greater duties than on those of other nations. Thus the treaty obliges us to receive them in our ports, whilst they can elude this stipulation, and exclude us from theirs by establishing exorbitant duties. Thirdly, although we may have the right and the disposition to adopt rules analogous to the two laws of New Hampshire and Massachusetts, we ought only to exercise this right with respect to these two States, or the other eleven Republics could say we have not a right to exclude them from our ports by exorbitant impositions whilst they received us in theirs. It is impossible, however, to distinguish a New Hampshire ship from a vessel of the other States, as they all navigate under the same flag. It is impracticable, then, to fix a distinction, and subject them to duties from which the other eleven States should be exempt.

But we beg that you will pay attention to the following circumstances: There has been imposed, as we have already observed, a duty of 5*l.* per ton.....5

And also another duty of 2*l.* 8 for light money, after the example of England, and although this duty takes place in no part of

France on this footing.....2 8

7 8

This light duty is an additional duty to another duty which already exists, for the use and service of light-houses, and we must, moreover, pay double the duties which the American merchants and navigators pay. These enormous taxes are payable from the first of the approaching month. Then French vessels, whose owners could not be informed of this measure, will have to pay, at their arrival at the ports of New Hampshire and Massachusetts, exorbitant duties, which they do not expect, and it will be impossible for them to sell their cargoes without a loss, seeing that the Americans, free from these duties, can sell the same merchandizes at a much more reasonable rate.

In these circumstances it remains for us to entreat you to demand that the effect of the law should be suspended with respect to French vessels which are actually expected, and whose shippers could not have foreseen such a measure; we think that four months will suffice for the purpose of advising the French merchants; and that they may consider whether it will be suitable for them to leave off their adventures to these two States, and direct them to other quarters; or if they can continue to carry on commerce without a loss, with the States of New Hampshire and Massachusetts. We have the more reason to hope that these two States will pay attention to your representations, as their commerce is greatly favored in the Kingdom and in our colonies; and as they have had a recent proof of it in the establishment of seven free ports in the said colonies, although by the treaty his Majesty was only bound to keep open but two for them.

We desire that the commerce between the two nations should be established on a footing the most mutually advantageous.

France had done everything to accomplish this. She spares no pains to facilitate the operations of the allies in Europe and her colonies. She has even opened for them free ports in Asia; and those employed by her have orders to use all their efforts to encourage the commerce of the Americans in India. We are persuaded that the States of New Hampshire and Massachusetts have no view to counteract such amicable measures, and that they will revise and abrogate the laws in question, and in the meanwhile suspend their execution as far as they respect the French.

AUBRY, DUBOIS & Co.

Boston, July 28, 1785.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, August 22, 1785.

Sir,

I have been honored with your letter of the 20th instant, together with the paper mentioned to be enclosed with it, and as soon as they can be translated shall lay them before Congress.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, August 25, 1785

Sir,

I have the honor of transmitting to your Excellency, herewith enclosed, a letter from the Chargé d'Affaires of France of the 20th instant, with a memorial that accompanied it, from certain French merchants to him, stating objections to laws lately passed in New Hampshire and Massachusetts respecting commercial objects. I also enclose translations of these papers; and have the honor to be, with great respect and esteem, &c.,

JOHN JAY.

REPORT OF SECRETARY JAY, ON REPRESENTATIONS OF CERTAIN FRENCH MERCHANTS, &c.

Office for Foreign Affairs, October 7, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the representation of certain French Merchants against the acts of New Hampshire and Massachusetts, for regulating Navigation and Commerce, &c., reports:

That as the objections stated in the memorial against those acts are equally applied to both of them, he presumes there is no material difference between them. He has the one of Massachusetts, but not that of New Hampshire. This circumstance induces him to take the liberty of suggesting whether it would not be expedient to collect at the public expense copies of the acts of the different States, and place them in the Secretary's office for the use of Congress and their officers.

The complaints made of these acts may be comprised under the following heads:

1st. That they exclude French vessels from all except *certain ports*, whereas all the ports of France are open to American vessels, and in some of them *no duties* are demanded, viz: in the four free ports.

2d. That the duty of tonnage imposed by these acts is not consistent with the fifth article of the treaty.

3d. That they were made to take place so soon after they were enacted as not to afford reasonable time for European merchants to be informed of them.

In considering these objections two objects of inquiry present themselves, 1st., whether these acts observe the letter of the treaty; and, 2dly., whether they quadrate with those principles of reciprocity in which the treaty is professedly founded.

As to the *first* objection, viz: the exclusion of French vessels from all except certain ports, your Secretary observes that there is no express stipulation in the treaty which prevents such exclusion while extended to the *most favored nation*.

He nevertheless thinks that however lawful and consistent with the letter of the treaty such exclusion may be, and however the States may have good right to refuse establishing any free ports, yet that the French merchants have reason to say that they enjoy fewer privileges in that respect in New Hampshire and Massachusetts than the merchants of those States do in France, from none of whose ports they are excluded, and in some of which they are allowed particular immunities.

The second objection appears to have much weight.

The fifth article of the treaty exempts American vessels from the impost of 100 sous per ton, established in France on foreign ships, unless when the ships of the United States shall load with the merchandize of France for another port of the same dominion, in which case they shall pay the duty above-mentioned so long as other nations, the most favored, shall be obliged to pay it.

But it is understood that the United States or any of them are at liberty, when they shall judge it proper, to establish duty equivalent *in the same case*; that is in the opinion of your Secretary, in the case of a French vessel loading in one port to carry her lading to another port of the United States.

If this be the true construction and the meaning of the treaty, then it seems to follow as of necessary consequence that none of the United States can rightfully impose a duty of tonnage on a French vessel *in any other case*. For if it was intended that they should be at liberty to impose it *in all cases*, why was it expressly stipulated that they might impose it in the *same* or in *such* a case? It would neither be a fair construction of the treaty, nor a construction consistent with the most obvious dictates of reciprocity to say that

the French are to give up their tonnage of 100 sous in all cases but one, but that the United States are to be at liberty to impose tonnage equal to 100 sous per ton on a French vessel in *every* case without exception.

The law of Massachusetts makes no distinction of cases, but subjects French vessels to tonnage in every case where they enter their ports after the 1st of August. In this respect, therefore, your Secretary considers that act as deviating both from the letter and the spirit of the treaty.

The *third* objection, though not very important, merits some attention.

The act of Massachusetts passed the 23d June, and took place the 1st August last. This notice might have been sufficient to prevent a ship from *sailing*, but it was not sufficient to prevent a ship being *fitted out and laden* for their ports. It doubtless is wholly in the discretion of the Legislature to make their acts take place when they please. But it nevertheless seems reasonable that they who are to be affected by laws should have *seasonable* notice of them.

Your Secretary takes the liberty of observing that the French have extended liberty of commerce to the United States beyond what they were bound to do by the treaty, and it certainly would not be kind to repay their friendly relaxation by restrictions more rigid than a due regard to our commercial interests may demand and justify. It is in their power to retaliate, but it would not be good policy in us to dispose them to it.

Your Secretary is clearly of opinion that the commerce of the United States must suffer from partial and discordant regulations, and that until it is under one direction it will never be conducted in that stable, uniform, and consistent manner which is necessary to produce the benefits and respectability that might be expected from it.

As to the acts in question he thinks it would be proper to transmit these papers to the Legislatures of New Hampshire and Massachusetts, and to recommend to them a revision of these acts.

The confidence that may be placed in their wisdom, and in their attachment to the honor and good faith of the Union, leaves no room to doubt of their readiness to correct any errors which may have inadvertently glided into any of their laws.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 25, 1785.

Sir,

Some Frenchmen who have purchased real estate within the United States, and others who propose to purchase, have addressed themselves to me to know whether the 11th article of the treaty of commerce guarantied the absolute property to them, and transmissible to their heirs or legatees resident or not in the United States. The article of the treaty is so precise that it appears to me there can be no doubt on this head; however, to remove all uncertainty on the part of those who have addressed themselves to me, I request, sir, that you will be so good as to let me know your opinion on this matter. Permit me, also, to have the honor of reminding you that on the 14th January, 1780, Congress, on a motion of the Committee for Foreign Affairs, recommended to the Legislatures of the different States to take measures to secure to the King's subjects the same advantages which those of the United States enjoy in France. We know that some laws have passed on this subject in different States, but we are ignorant whether all that belong to the Confederation have passed similar ones; and I request that you will be kind enough to communicate to me what has come to your knowledge on this subject.

I am, with respect, &c.,

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, September 2, 1785.

Sir,

I have received the letter you did me the honor to write on the 25th ultimo, and laid it before Congress.

I shall take the earliest opportunity of communicating to you the opinion they may direct me to give on the subject, together with the information which you request on that head.

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Whenever questions arise on the construction of an article of the treaty, I think it will always be most advisable to submit it to their consideration and decision ; and I am persuaded they will, on such occasions, be uniformly guided by the spirit, true intent, and meaning of the treaty. Be assured, sir, of my firm attachment to the principles of it, and of my disposition and desire to see it construed and observed in such a manner as may most conduce to the attainment of the object and mutual benefits intended by it.

With great respect and consideration, &c.,

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, August 31, 1785.

Sir,

Agreeably to the ideas you suggested in our last conversation respecting the case of Longchamps, Congress have ordered me to return to you all the papers which I had the honor to receive from you relative to it, and I now transmit them herewith enclosed.

Further measures for preserving inviolate the laws of nations respecting legations are in contemplation, and I flatter myself will be speedily matured. Being impressed with a high sense of the obligation, as well as the expediency, of these laws, nothing in my power shall be wanting to promote the observance and punish the violation of them.

I have the honor to be, &c.,

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 30, 1785.

Sir,

I have the honor of addressing to you the note wherein I announce to Congress the nomination of M. Otto to the post of Chargé

d'Affaires for the King, with the United States. He will deliver you himself that which the Count De Vergennes has written to you on this occasion. I am well assured, sir, that during the course of his functions he will spare no pains to deserve your confidence, and from my long knowledge of him, I do not hesitate to assure you that he will deserve it.

It remains for me, sir, to thank you for the support I have received from you at different times, and to request of you to preserve me a place in your remembrance, and to assure you of the respect and distinguished regard with which I have the honor to be, &c.,

DE MARBOIS.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 30, 1785.

The underwritten, Chargé d'Affaires of France, has the honor to inform Congress that his Majesty, by naming him for the Intendancy of the Colony of St. Domingo, has put a period to the functions which he has had the honor of performing in the United States in the absence of the Chevalier de la Luzerne. The private affairs of this Minister not yet permitting him to come and resume his functions with Congress, and his Majesty, desirous that there should be no interruption in the correspondence between him and Congress, has appointed Mr. Otto to fulfil the duties of his Chargé d'Affaires here until the return of his Minister Plenipotentiary.

Mr. Otto has the advantage of having passed many years on this continent, the perfect knowledge which he has of the affairs which have been transacted, and of the particular affection of the King for the United States, leaves no room to doubt but that he will discharge his duties to the entire satisfaction of his allies.

The underwritten, honored with the testimonies of that of the King, his master, will esteem himself happy if, during a residence of more than six years, and in difficult times, his conduct has shown the respect which he entertains for Congress, and how advantageous he considers the alliance to be to both nations.

DE MARBOIS.

REPORT OF SECRETARY JAY RESPECTING THE REMOVAL OF
MONSIEUR DE MARBOIS.

Office for Foreign Affairs, September 7, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the Letter of the 2d instant, from him to his Excellency the President, with the papers therein enclosed, respecting the removal of M. De Marbois, reports :

That in his opinion, your Secretary should be ordered to write an answer of the following tenor to M. De Marbois's note :

"Office for Foreign Affairs, September, 1785.

"Sir,

"The note which you did me the honor to write on the 30th of last month, announcing your appointment to the Intendancy of St. Domingo, and that of the Sieur Otto to succeed you here, I immediately laid before Congress.

"In obedience to their orders I have the honor to assure you that this distinguished mark of your royal master's approbation and favor gives them pleasure, and they wish you happiness and prosperity in the enjoyment of it. The manner in which you have filled the place of his Majesty's Chargé d'Affaires here has given them entire satisfaction, and I am ordered to mention this to Count de Vergennes.

"The great and repeated proofs which the United States have received of his Majesty's affection, and the zeal and abilities with which his Minister has, on various occasions, executed his friendly intentions towards them, leave no room to doubt but that such men only will be charged with his affairs in this country as, from inclination as well as duty, will be disposed to cherish the union and cement the interests and friendship of the two nations.

"In this light they consider the Sieur Otto; and he may be assured that their respect and affection for his sovereign, as well as the good opinion they entertain of him, will always induce them to render his residence as agreeable to himself as they are persuaded it will be to them.

"I have the honor to be, &c.,

"TO MONSIEUR DE MARBOIS,

Chargé d'Affaires of his most Christian Majesty."

Your Secretary purposes to enclose the above letter in the following, (the former being an answer to the *note*, and the latter to the *letter*, of M. De Marbois:)

“Office for Foreign Affairs, September, 1785.

“Sir,

“The letter herewith enclosed is in answer to the note which accompanied the letter you did me the honor to write on the 30th instant.

“M. Otto has delivered to me the letter from the Count De Vergennes, of which you make mention, and I shall take the earliest opportunity of transmitting an answer to it.

“The character you give of Mr. Otto corresponds with what I should have supposed it to be from that of the Minister, and he may rely on my disposition to render his residence agreeable.

“It has been, and shall continue to be, my desire so to discharge the duties of my office as to give perfect satisfaction to the Ministers and subjects of your magnanimous King, and I am happy to find that I have succeeded with respect to you.

“We have been laborers in the same great work, and I flatter myself that your removal from America will not diminish your affection for it. It will always give me pleasure to hear of your health and happiness, and that of your amiable lady. Permit me to offer to you and to her my best wishes for your safe arrival at the place of your destination, and any friendly services that may be in my power to render.

“With great respect and consideration, &c.,”

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, September 24, 1785.

Sir,

I am sorry I could not meet you, to express the satisfaction which I have received from your letter dated the 12th instant, as it mentions Congress's approbation of my conduct whilst I have had the honor

to reside as the King's *Chargé d'Affaires* in this country. I have obtained the principal object of my mission, which has been to promote as much as in my power the good understanding and preserve the friendship between the King and the States. The manner with which you conveyed their sentiments to me could not but give additional satisfaction.

I propose to leave this continent to-morrow; but six years' residence, which I shall ever consider as the most interesting of my life past, both by the importance and the success of the events to which I have been an active witness, and the connexion I have formed, will never permit me to be a stranger to America, and I shall be happy whenever duty will concur with my inclination to afford me the means of evincing the sentiments I shall preserve for it.

Mrs. De Marbois is much obliged for your mention of her; she desires to be remembered to Mrs. Jay, to whom I have the honor to offer my respects.

I cannot leave this place without again assuring you, sir, that I shall have a particular pleasure in hearing that circumstances have allowed Monsieur Longchamps to be treated with lenity. I renew this application at the very instant there are attempts made towards further provocations. Mr. Otto may inform you of what nature they are, if you do not already know it. I do not believe they come from him; but should it be the case, it is impossible anything could provoke from a man in his situation, and whatever may be his behavior, it will never alter the wish I have formed for his release from the instant the King had expressed his full approbation of my conduct.

With perfect respect and consideration, I have the honor to be, &c.,
DE MARBOIS.

—o—

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, September 28, 1785.

Sir,

The departure of Monsieur De Marbois will soon place me in the situation of entering upon the exercise of the functions which have been entrusted to me. It is very satisfactory to me that, until the

arrival of the Minister Plenipotentiary, I have to transact with a person whose patriotism and affection for my Court will greatly facilitate any business with which I may be charged during my residence here; and I flatter myself that I shall merit your confidence, and convince you of my personal attachment to the United States, independent of those obligations my place imposes on me.

I have perused, sir, with the warmest acknowledgments, the letter you were pleased to address to my predecessor the 12th instant. In rendering justice to his zeal, you have, at the same time, condescended to assure him of the good opinion which Congress have conceived of my dispositions. I entreat you to believe that I shall esteem myself very happy to have an opportunity of rendering myself worthy of the approbation of that assembly, and of contributing to draw still closer the bonds which unite our nations.

These ties, sir, ought forever to be held sacred and indissoluble. The attachment of France to the United States proceeds, not from a momentary advantage, but from a wise, enlightened, provident policy, which has established, upon the permanent basis of justice and mutual convenience, an alliance of which there are few examples in history. The two nations, divided from each other by a vast ocean, will never experience that jealousy which vicinity too often inspires. They may both prosper without giving umbrage to each other; they may each aggrandize themselves without prejudice to their alliance. The United States of America will always find, in the strength of one of the most important Governments of Europe, a support against their enemies, and France will not see, but with satisfaction, the flourishing state of a Republic of which, from its first existence, she has had so much care. I know so well the intentions of my Court in this respect, that I can assure you, sir, that she will ever inviolably fulfil the conditions of the treaties of alliance and commerce, which form the basis of her connexion with the United States, and it will not be owing to her if these treaties are not scrupulously executed. She is, at the same time, persuaded that Congress is too well acquainted with its interests not to cement more and more the alliance which so happily subsists between France and the United States. The uniform conduct which this assembly has held in this respect leaves no doubt of its true dispositions; and if some of the States have appeared to depart, for an instant, from the fundamental principle of our treaties,

his Majesty is not ignorant that Congress has constantly endeavored to bring them back to the right road.

I am, with respect, &c.,

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 28, 1785.

Sir,

I have the honor to address to you the Plan of a Treaty for a correspondence between the Post Offices of France and the United States, with a note announcing the same to Congress. I request that you will be pleased to lay these papers before that assembly, unless you are of opinion that the Postmaster General thinks himself sufficiently authorized already, by his station, to negotiate this treaty with the Director of the Post Office in France.

I am, with respect, &c.,

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

[Delivered November 28, 1785.]

The underwritten, Chargé d’Affaires of France, has the honor of informing the United States in Congress assembled, that he has received orders from his Court to present to them the plan of a treaty for a correspondence between the Post Office of France and that of the United States. He has no occasion to observe how interesting it is to the two nations to multiply as much as possible every means of connexion and correspondence, and that the exactness of the mails must contribute by so much the more efficaciously, as the French packets are actually under the immediate authority of Gov-

ernment. The underwritten has the honor to annex the Plan which has been sent to him, and he hopes that the United States in Congress assembled will be pleased to authorize the Postmaster General to make such arrangements with the Director of the French Post Office as will give, in future, greater facility to a service which so essentially concerns the respective nations.

OTTO.

PLAN OF A TREATY for the correspondence of Letters between the Post Offices of France and those of the United States of North America.

Translation.

Articles of Agreement made for the carrying and transporting of letters, despatches, and packets, sent from the cities of the Kingdom of France to the city of New York and the thirteen United States of North America, and of letters and packets which shall be sent from the said city of New York to the said Kingdom of France.

Between——, who have agreed upon the following Articles :

ARTICLE I. That there shall be maintained, on both sides, a good, firm, and mutual correspondence, for the sending, reception, and distribution of letters, despatches, and packets.

ARTICLE II. That the letters and despatches from Paris, and all the cities and provinces of the Kingdom of France, as also those coming from foreign countries passing through France for the provinces and cities of the United States of North America, shall be directed and forwarded at the sole expense of the Post Office in France, from the place of their departure, as well by land as by means of the King's packets, established at L'Orient, to New York, once a month. The mails which shall enclose the said letters shall be delivered, immediately on their arrival at New York, to the Post Office of the United States of North America, for which mails the Post Office at New York shall give its receipt to the captain of the packet, in the presence of the French Consul, or of the agent of the administration of the packets, with whom the said office at New York shall prove and determine the number of single, double, and ounce letters which each mail shall contain, excepting only from said account

the letters and packets which shall be countersigned by the French Ministers, or such persons as shall have the privilege, which letters shall, for this purpose, be made into a separate packet, which shall be inserted into the mail by the Post Office in L'Orient.

ARTICLE III. The Director of Posts in L'Orient shall send, with the letters which shall go by the mails, a paper of advice signed by him the day they are despatched, and addressed to the Post Office at New York, which paper shall not only mention the number of single, double, and ounce letters which compose the mail, but also the account of the tax which shall be reckoned in French money upon said letters of each kind for their postage to New York, and a recapitulation which shall show the just total of said taxes.

ARTICLE IV. The said office of the United States engages, after having verified the exactness of said paper, to be accountable to the Post Offices in France for the total amount of each of the said mails of letters and packets taxed; it shall charge itself with the distribution of them at their destination, adding to said taxes such other as may be due as well on account of forwarding them, which shall be done at the expense of the office, as for delivering them.

ARTICLE V. In case the said Post Office at New York shall find errors in the account made of the letters which shall thus be sent to it from L'Orient, it has been agreed on both sides that the said errors shall be corrected by advising the French Post Office of it by the first post which shall follow the receipt of the mail, so that the said Post Office at New York shall not be accountable to that of France, but for the amount which it shall declare to have really found in each mail.

ARTICLE VI. It has moreover been agreed that the countersign of the French letters, which shall not have been taxed at leaving L'Orient, shall only frank such letters on their way through France and for their passage.

ARTICLE VII. All letters where postage shall have been charged by the French office to that of the United States, and which shall have become refuse without having been opened, shall be retaken by the French office at the price they have been reckoned, and with which they have been taxed; the New York office returning them every six months to the Post Office at L'Orient.

ARTICLE VIII. In like manner the letters and despatches from New York, and from all the provinces and cities of the United States

of North America for the provinces and cities of the Kingdom of France, shall be directed and forwarded by the office at New York, that is to say, at the charge of the Post Office of the thirteen United States from the place of their departure to New York, and from New York at the expense of the French Posts, as well by means of the return of his most Christian Majesty's packets to L'Orient as by land from L'Orient to their destination in France. The mails which enclose the said letters to be taken from the Post Office at New York by the captain of each packet ready to sail for L'Orient, and immediately on the arrival of the vessel delivered to the Director of the Posts of the said city, who shall give his receipt for them to the said captain, in presence of the superintendent of the administration of the packets, with whom he shall ascertain and determine the number of single, double, and ounce letters contained in each mail.

ARTICLE IX. The said Post Office at New York shall send, with the letters which shall go by said mails, a paper of advice signed and dated the day the packet is despatched, and addressed to the Post Office at L'Orient, which paper, like those from the latter office for New York, shall signify not only the single, double, and ounce letters which compose the mail, but also the amount of the tax, which shall be brought into French money and not otherwise upon the letters of each kind for their postage to New York only, and a recapitulation which shall present the just total of said taxes.

ARTICLE X. The said Post Office of France engages, after verification made on its part, at the office in L'Orient, of the exactness of said paper, to be accountable to the Post Office of the United States of America at New York for the total amount of each of the said mails of letters in packets taxed by the posts of the United States, which packets and letters they charge itself with the distribution of to their destination in the Kingdom, adding to said taxes such, which, according to the tariff of France, are due as well on account of transportation, which shall have been made from New York to the destination of such letters, as for the distribution by said office.

ARTICLE XI. It has been agreed by the two offices that the clause inserted in the fifth article of the present treaty, relating to errors which may be found in the amount of letters which the office of France shall send to New York, shall be exactly the same, vice

versa, with respect to the aforesaid office, as to errors which may also be met with in the amount of mails of letters from North America to L'Orient, where the verification shall be made.

ARTICLE XII. It has moreover been agreed upon, as in article seven of the present treaty, that all letters where postage shall be charged by the Post Office in New York against that of France, and which shall become refuse without having been opened, shall be retaken by the Post Office of the United States at the same price they shall have been reckoned and taxed, the office in France returning them every six months to the Post Office in New York.

ARTICLE XIII. It has moreover been covenanted and agreed on both sides that all letters and packets which shall be reciprocally sent, shall be exactly stamped in a legible manner on their superscription, with the name of the town where they shall have been written, and that the cyphers of the taxes which shall have been affixed to them shall mark the sous or livres Tournois.

ARTICLE XIV. The accounts between the two offices shall be rendered every six months by that office which shall find itself in debt to the other, which having verified and acknowledged the said accounts just shall balance them, after which the money which shall be due to said office, shall immediately be paid to the person that shall be authorized for the purpose.

ARTICLE XV. All the mails and bags shall be well and duly sent and sealed from one office to the other, with the true and acknowledged seal of each office.

ARTICLE XVI. The parties reciprocally oblige themselves to prevent, by every possible means, any of the abovementioned letters and packets from being sent by another mode than by their ordinary posts.

ARTICLE XVII. It has been moreover agreed that the effect and execution of this present treaty shall commence between the said parties, the post after completing the ratification signed and sealed in good form, on the one part by —, and on the other part by —. It has moreover been agreed on both sides that the said present treaty cannot be broken by one of the parties till after a year's previous notice to the other; and there shall be added and transcribed the powers of us.

In faith of which we have reciprocally signed this present treaty, and affixed the seal of our arms. Done and agreed in duplicates, between us, at Paris, &c.

FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, November 28, 1785.

Sir,

I have received the letter which you did me the honor to write this morning, enclosing a note of the same date, and a project of a treaty between the Post Offices of France and of the United States.

These papers, as soon as translated, shall be laid before Congress, and I cannot omit this opportunity of assuring you that every occasion of extending the ties and intercourse between our countries will give me pleasure.

I have the honor to be, &c.,

JOHN JAY.



FROM EBENEZER HAZARD TO JOHN JAY.

General Post Office, December 21, 1785.

Sir,

I have considered the plan for the correspondence of letters between the Post Offices of France and those of the United States of North America, and think it, in general, a good one; there are, nevertheless, some parts of it which are exceptionable. The third, ninth, and thirteenth articles require that the postage shall be marked *in French money, sous and livres*. This will be impracticable, as the French moneys are not sufficiently understood in America. But the most exceptionable article is the fourth; should this be agreed to, the immediate consequence will be that the letters must be disseminated, from New Hampshire to Georgia, *at the risk of the United States*; and this will be evidently very great, if we consider the distances to which the letters must travel, the size and situation of many of our ferries, and our seasons, especially the winter. Great, however, as the risk is, it must of course be ours, as we are to be accountable for the postage of all letters, excepting the "refuse" ones, returned agreeably to the seventh article. To this may be added the difficulty of keeping accounts, when both nations will be interested in the postage on each letter, and that postage will be marked partly in sous and livres, and partly in pennyweights and grains of silver. The whole

business may be extremely simplified by adopting the same plan that we are upon respecting the British packets, viz: *let all the packet postage be paid in Europe*, which will remove every difficulty; it will prevent the necessity of keeping intricate accounts; the United States will risk nothing in the distribution of the letters, except the *inland postage*; the deputy postmasters will not be perplexed and led into errors by a kind of money which they do not understand, and it will be more advantageous to *France*, because the number of refuse letters will be lessened by it, as *all* the letters put into the offices in France will then be paid for, and they will have no more refuse letters from this side of the water upon this plan than upon the other.

The other regulations, such as giving the captains' receipts for the mails, sending invoices of the letters, &c., are equally proper upon either plan.

I have the honor to be, &c.,

EBEN. HAZARD.



REPORT OF SECRETARY JAY, RELATIVE TO THE POST OFFICES OF
FRANCE AND THE UNITED STATES.

Office for Foreign Affairs, February 21, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to him of the 28th November last, from the Chargé d'Affaires of France, enclosing a Plan of a Treaty for the correspondence of letters between the Post Offices of France and those of the United States, reports:

That he has submitted the said Plan to the consideration of the Postmaster General of the United States, whose opinion thereon appears in the following letter, viz:

"General Post Office, February 16, 1786.

"Sir,

"I have had under consideration the proposed 'Plan of a treaty for the correspondence of letters between the Post Offices of France and those of the United States of North America,' and observe but

one defect in it; and that is, *it is left optional with the writer to pay the postage or not*; and, if we may judge from experience, they will not pay it. The consequence will be,

“1st. That a receipt must be given by the American office, which will make the United States accountable for the amount of the postage.

“2d. The letters must then be distributed from New Hampshire to Georgia, and the dead (or refuse) letters returned to New York at *the risk of the United States*; which will evidently be very great, if we consider the distances to which the letters must travel, the size and situation of many of our ferries, and our seasons, especially the winter.

“3d. Accounts must be kept between the American and French offices, which, in their very nature, must be complex and intricate, both nations being interested in the postage of each letter, and that postage being marked partly in French money and partly in penny-weights and grains of silver; the former, not being sufficiently understood by us, will occasion many errors, and be the source of much confusion.

“We were exactly upon the above plan with respect to the British packets, at their first establishment, as you will observe from the enclosed advertisement; but the inconveniences attending it were so great that it was found necessary to make an alteration; and the whole business was amazingly simplified by providing that *all the packet postage should be paid in England*. By this small change in the system every difficulty is removed; and, as experience has evinced its utility, I beg leave to recommend the adoption of the same mode in the present case. Indeed, it will be more advantageous to *France* than the plan now proposed, because the number of refuse letters will be lessened by it, as *all* the letters put into the offices in France will then be paid for, and the refuse letters from this side of the water will not be more numerous upon this plan than upon the other; there will also be a saving of the commissions allowed to the deputy post-masters for transacting the business.

“The other regulations, such as giving the captains' receipts for the mails, sending invoices of the letters, &c., are equally proper upon either plan.

“I have the honor to be, &c.,

“EBEN. HAZARD.”

Your Secretary thinks the observations of the Postmaster General are well founded, and, therefore, is of opinion that the said Postmaster General should be duly authorized to conclude the said treaty with the Director of the French posts, vested with equal powers on the part of his most Christian Majesty, provided the alterations in questions are admitted, and provided further, that the duration of the treaty shall not exceed the term of ten years.

Your Secretary is also of opinion that the said treaty should be engrossed and executed in both languages.

All which is submitted to the wisdom of Congress.

JOHN JAY.

—O—

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, December 26, 1785.

Sir,

I have the honor of transmitting to your Excellency, herewith enclosed, a letter of the 28th instant, which I received from the Chargé d'Affaires of France, together with the project of a proposed treaty between the French and the American Post Offices, which is mentioned in it.

I have the honor to be, &c.,

JOHN JAY.

—O—

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 30, 1785.

Sir,

I have the honor to send you herewith a note which I request you to lay before Congress. It relates to the different credits which his Majesty and his subjects have against the United States. These matters have been treated of at different times by M. De Marbois, and principally in the letters and notes which he addressed you the 8th March, 16th May, and 14th June, and the 1st July, of this year. It gives me pain to recur to matters which have so long occupied the

Minister Plenipotentiary and my predecessor. But the silence of Congress, the new formation of this assembly, and the precise order which I have received from my Court on this subject, appear to authorize me to make a new attempt to obtain a satisfactory answer; and I hope that the United States will only consider, in my conduct, the zeal which the post I have the honor to occupy near Congress ought to inspire me with.

I make no mention of the different particular subjects which my predecessor has submitted to the deliberations of Congress the 16th May last, such as the claims of the administrator of Martinico, for the reimbursement of the advances made to Mr. Bingham; also the demands of the Royal Treasury, on account of the sums reimbursed the Sieurs Sabatier & Despres, on account of the United States. Congress having as yet taken no resolution concerning these different subjects, and the notes of my predecessors being constantly before this assembly. I hope that they will be pleased also to add its resolution respecting these claims to those it shall make as to the principal points of the note which I have the honor to address to you.

I have, sir, presented his Majesty's credit in a point of view which appeared to me the most natural. It cannot be disputed that the object of the two contracts signed by Mr. Franklin was to alleviate as much as possible the weight of the debt of the United States. To defer the accomplishments of these contracts is to defeat the salutary end proposed, and to accumulate, without any benefit to the United States, the arrearages and interests of a moderate debt. The wisdom of the Ministers who have digested and signed the contracts would only serve to expose more visibly the injury occasioned by delays.

As to the subjects of French creditors of the United States, I have, sir, described their situation very faintly. Ancient commercial houses find themselves reduced to beggary from having placed too much confidence in paper money and loan office certificates. They viewed with astonishment, mixed with grief, the measures proposed by different States to satisfy their own citizens to the exclusion of foreigners. This step, projected by people who have just distinguished themselves by so many great qualities, can only be attributed to too great precipitation, and not to a partiality of which they are incapable.

It is elsewhere remarked, and there is still greater reason to believe

from the last requisitions of Congress, that this measure has never obtained the sanction of this assembly; and that Congress not only knew how to form a new empire, but also to give it stability by erecting it on the immoveable basis of justice and virtue.

I am, with respect, &c.,

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 30, 1785.

Sir,

The underwritten, *Chargé d’Affaires* of France, has the honor of informing the United States in Congress assembled, that he has received orders from his Court to take notice of the measures which have been adopted for fulfilling the conditions of two contracts, signed in the name of the United States by Mr. Franklin, the 16th July, 1782, and 25th February, 1783.

The United States have engaged themselves by the first contract to pay annually, reckoning from the date of the peace, the interest of a loan of eighteen millions, and to reimburse the capital in twelve equal portions, beginning the third year after peace. They have moreover promised to reimburse, in ten equal terms, to commence the 5th November, 1787, the loan of ten millions made in Holland and guarantied by his Majesty, and to pay the interest thereof in the mean time, at the rate of four per cent.

By the second contract, they have not only confirmed the preceding articles, but they have acknowledged themselves debtors in a new loan of six millions, the interest of which they have promised to pay annually at five per cent., and to reimburse the capital in six equal periods, to commence from the year 1797.

From the tenor of these contracts, it appears that the United States have engaged to pay annually, under the title of interest, at the Royal Treasury, the sum of 1,600,000 livres Tournois; but although this sum has been constantly comprehended in the requisitions of Congress, his Majesty’s treasurer has only as yet received the amount of the interest of the Dutch loan. So that the interest

of the present year, comprehending the arrearages of the last year, amounts to 2,400,000 livres Tournois.

The underwritten need not observe that it appears for the advantage of the United States to acquit, successively, the sums due to his Majesty, seeing that delays will become daily more burthensome to the finances of Congress, by the progressive accumulation of arrearages. He has no doubt but that the gratitude of the United States, the desire of liberating themselves, and, above all, the consideration of their own interest, will engage them to discharge a debt, the weight of which his Majesty has endeavored to diminish as much as was in his power, by remitting the interest till the date of the peace, and by fixing distant periods for the reimbursement which will extend as far as the year 1802. The regularity with which the interest of the Dutch loan has been paid till now, and the assurances which the underwritten has received on this subject from the Commissioners of the Treasury, give him reason to hope that the United States will not show less punctuality in the payment of the other interests and the gradual reimbursement of the debt of twenty-four millions, whose first period will be elapsed the 3d of September of the ensuing year.

The underwritten thought proper to enter into these details, to engage the United States in Congress assembled to represent to their constituents how much it imports them to provide the necessary funds for the gradual reimbursement of these debts; that the arrearages of the last year have already doubled the sum to be paid this year; that the progressive accumulation of interest will soon render useless the precautions which have been so wisely taken in the two contracts, for dividing in the least burthensome manner the reimbursement of a sum through the space of nineteen years, which it would have been impossible to have discharged at once. And that the citizens of the United States know too well what they owe to their posterity to wish to oppress them with the weight of a debt which their delays may considerably augment, without any benefit to their country.

But whilst the underwritten demands with importunity a satisfactory answer to a subject which is personal with regard to his Majesty, he ought at the same time to submit to the consideration and the justice of Congress the claims of a large number of the King's subjects. His Majesty is sensibly touched with the deplorable situation of the commercial houses, which are thrown into the greatest embarrassment by giving credit to the United States, and to indi-

vidual States, and by the depreciation of paper money. Among the number of these merchants, there are many who, from the commencement of the Revolution, have exposed their lives and their fortunes by sending to the United States not only the articles of the first necessity, but arms, ammunition, and a quantity of other objects, which have greatly facilitated the operations of Congress. Others, prevailed upon by the repeated demands of some individual States, have sent them very rich cargoes, through the firm persuasion that they would meet with no difficulty in the payment for these advances, and that people abounding so in resources as the States of America, could easily find the means to satisfy them, when peace should have reëstablished order and tranquillity within their borders. The paper money which was given them in payment for their advances bore the seal of the Confederation, and a solemn promise to redeem it in specie. Such a promise merited their confidence so much the more as their sovereign had guarantied the independence of the United States in the most solemn manner, and that they had reason to consider this guarantee as the pledge of the reimbursement of their advances. So far from directly realizing a paper which they ought to believe as solid as gold and silver, they deposited more than six millions in the consular chests or in their own coffers. This paper represented the labors, the watchings, and the fortunes of a great number of individuals, who had come to the assistance of the United States in the most tempestuous times. But a combination of unforeseen circumstances has annihilated these effects, even in the hands of their possessors, and at the end of some years they see themselves spoiled of their fortunes, and almost deprived of the hope of recovering funds so legally due them.

The pretensions of the French merchants, possessors of paper money, have been carried too far in the last memorial which they have presented to Congress. The underwritten had no knowledge of this memorial until after its delivery. They there claim the reimbursement of the paper money according to its nominal value, without regarding its depreciation. This demand is the less reasonable as it would be too burthensome to the finances of the United States; and as the French merchants have no right to exact such considerable benefits. But the justice of Congress will perhaps induce them to order this reimbursement according to the scale of depreciation established several years since; and as the acts of the

deposits made in the different consular offices certify, in an indubitable manner, the date at which this paper has been received, it would be easy to reduce this debt to its just value. Although this arrangement would be of but little advantage to the French merchants, it would be the only way to satisfy them without prejudice to the finances of Congress.

This assembly cannot be ignorant of the loss which a merchant sustains from his stock laying dead for so many years. This circumstance alone already sufficed to overwhelm the possessors of paper money, and to make interest in their favor, but the nature of paper money is the source of this inconvenience, which neither Congress nor the foreign merchants could avoid. To diminish these losses as much as possible, and to give a new proof of confidence in the operations of the finances of the United States, a great number of French merchants have placed considerable sums of paper money in the loan offices, which Congress had opened, and for their security only received certificates, which bore, in the name of the United States, not only the promise of reimbursement, but also an interest of six per cent. This interest, however moderate for a merchant accustomed to avail himself of his whole means, might have recompensed individuals whom the desire of contributing towards the greatest revolution which has taken place for many ages, engaged as much as a momentary advantage to undertake a new commerce. But they would pay too dear for this satisfaction, if it must be purchased at the price of their fortunes and welfare.

His Majesty cannot see with indifference the losses sustained by his subjects. He is not ignorant that different States of the Union have proposed to adopt partial measures to satisfy their own citizens to the exclusion of the French creditors, but he has learned with satisfaction that Congress has constantly recommended to the United States to support the reputation they have acquired by so many titles, and to allow foreigners without distinction to participate in the payment of loan office interest. The requisitions which this assembly addressed to the different States the 27th September last, still bear that mark of justice which has always characterized the measures of Congress. According to these requisitions foreigners, possessors of loan-office certificates, should be treated as well as the Americans themselves. Recommendations so just and so essential cannot but conciliate more and more to this assembly the friendship

of its allies, the confidence of European Powers, and the respect of the citizens of America. The underwritten has been witness to all the steps which it has taken to give consistency to its finances. He knows that it is firmly persuaded that the credit of the United States, their national importance, and their consideration in Europe, depend in a great measure on the punctuality with which it will fulfil its engagements; and that it has already perceived that the actual delays of the reimbursements have done a considerable detriment to American commerce by rendering foreigners less disposed to give credits, without which this commerce cannot subsist. He hopes that it will condescend to recommend this subject in the most serious manner to the legislative assemblies, and that measures, which after a long and expensive war were impracticable, will be less difficult at the time when the enjoyments of the sweets of peace, and of an independence universally acknowledged, the astonishing progress of population, and the flourishing state of navigation and agriculture have opened all the channels of industry, have brought back ease into the bosom of families, and order in the public administration. He has seen too many examples of equity in the respective States to think that they wish to avail themselves of the inestimable advantage of sovereignty, without paying attention to the unfortunate situation of private foreigners who have contributed thereto with all their might, and who at this instant cannot recollect without pain the most memorable epoch in the annals of America.

The underwritten flatters himself with the hope that Congress will condescend to put it in his power to send to his Court a satisfactory answer to the different subjects which he takes the liberty of laying before this assembly. He is not ignorant of the different measures which his predecessor has already used, and he can only attribute to the importance and the difficulties in the arrangement of the finances the delays which have attended these subjects. He takes the liberty more especially of reminding Congress of the contents of a note which M. Marbois had the honor to present to them the 16th May last, and he hopes that they will be pleased to observe that this note, as well as the preceding, have been constantly delivered by his Majesty's order.

OTTO.

FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, November 30, 1785.

Sir,

I have received the letter which you did me the honor to write this morning, and which accompanied a note of the same date. They shall both be immediately translated, and laid before Congress. The importance of the several subjects stated in it, as well as the delicate manner in which they are handled, cannot fail to excite their attention. I shall do myself the honor of communicating to you the result of their deliberations on those interesting affairs, and I shall always be happy to promote every measure which may tend to evince the justice and gratitude of my country.

With great esteem and consideration, &c.,

JOHN JAY.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, December 19, 1785.

Sir,

I have the honor to address to you herewith a brevet which his Majesty has been pleased to grant to M. de la Forêt, for discharging with the United States in Congress assembled the functions of Vice Consul General, and those of Vice Consul in the States of Pennsylvania and Delaware. These two employments have been united through the supposition that Congress would establish its residence on the banks of the Delaware. But the abode of this assembly at New York has induced M. de Marbois to demand further orders from the Court. The Minister has answered that the functions of the Vice Consulship of Philadelphia having already been exercised by the younger brother of M. Marbois, when the removal of Congress had led this Consul General to New York, there was no inconvenience in leaving the brevet to subsist as it was, and to acknowledge M. de la Forêt in quality of Vice Consul General with Congress. This circumstance, sir, has deferred for four months the presenting of the brevet which I have the honor to address to you. I request that you

will be pleased to have it agreed to by this assembly, and send me the resolutions customary in similar cases.

I am, with respect, &c.,

OTTO.



FROM JOHN JAY TO THE SIEUR DE LA FORÊT.

New York, January 10, 1786.

Sir,

I have the honor of returning to you, herewith enclosed, the brevet appointing you Vice Consul General of his most Christian Majesty in the United States, and on which Congress were pleased, the 6th instant, to pass an act, of which a certified copy is also enclosed.

I have the honor to be, &c.,

JOHN JAY.



Extract from the Secret Journal, January 6th, 1786.

On a report of the Secretary to the United States of America for the Department of Foreign Affairs, to whom was referred his letter of the 29th December, enclosing a letter of the 19th of that month from the Chargé d'Affaires of France, with a brevet of the 22d day of June, 1785, appointing the Sieur de la Forêt Vice Consul of France for the United States,

Whereas the Sieur de la Forêt has presented to Congress a brevet from his most Christian Majesty, bearing date 22d day of June, 1785, appointing him Vice Consul General in the United States:

Resolved, That the Sieur de la Forêt be, and he hereby is, received and recognized as the Vice Consul General of his most Christian Majesty in the United States, and that the said brevet be registered in the Secretary's office.

Resolved, That all the privileges, prééminences, and authority belonging to said character and quality are due to Sieur de la Forêt, and shall be enjoyed by him.

Ordered, That a certified copy of the above resolutions be transmitted, by the Secretary to the United States of America for the

Department of Foreign Affairs, to the said *Sieur de la Forêt*, and also to the Executive of each of the States, for their information.



FROM THE SIEUR DE LA FORÊT TO JOHN JAY.

Translation.

New York, January 11, 1786.

Sir,

I have the honor to advise you of the receipt of the letter which you wrote to me yesterday, on returning my commission, and the resolutions of Congress respecting the acknowledgment of my character. I beg that you will be pleased to receive my thanks.

I am, with respect, &c.,

DE LA FORÊT.



FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, March 6, 1786.

Sir,

Various considerations, arising from the local and other circumstances of the United States, induce me to think that the fourth and fifth articles in the proposed convention for regulating the intercourse between the Post Offices of France and the United States, will not be expedient. I have the honor of enclosing a plan which, being less complicated, would, in my opinion, be more easily executed.

It will give me pleasure to confer with you on this subject whenever it may be convenient to you, for it is my wish that this and every other measure interesting to both countries may be so concerted and conducted as to promise the most satisfaction to each.

I have the honor to be, &c.,

JOHN JAY.



PLAN OF A CONVENTION *between the Post Office of France and that of the United States of America, for regulating their mutual intercourse and correspondence.*

His most Christian Majesty having authorized ———, the Director

of the Post Office of France, and the United States having authorized Ebenezer Hazard, Esq., their Postmaster General, to form and conclude such convention, they have accordingly agreed upon the following articles, viz:

1st. There shall be maintained, on both sides, a good, constant, and mutual correspondence for the transmission, reception, and distribution of letters, despatches, and packets.

2d. All imposts, postage, and charges which may be due on letters passing from the Post Offices of France to those of the United States, shall be paid in France; and, on the other hand, all letters passing from the Post Offices of the United States to those of France, shall be paid in the United States: That is to say, no French or other postage due on letters coming from that Kingdom to the United States, shall be demanded or received in the United States, nor any American postage, due on letters going from the United States to France, shall there be demanded or received. The packet postage on letters passing by packets to or from France and the United States, to belong to the sovereign whose packet shall carry such letters.

3d. And as his most Christian Majesty has, in order to promote and facilitate the intercourse and correspondence between the two countries, been pleased to establish packets at L'Orient, which sail once a month from that place to New York, it is agreed that all letters intended to be transmitted from L'Orient to New York by the said packets, shall be put up into a mail by the Post Office at L'Orient, which mail, sealed with the known and acknowledged seal of that Post Office, and directed to the Post Office at New York, shall, on its arrival at New York, be immediately delivered to the said Post Office, where the same shall be opened by the Postmaster, in the presence of the Consul or Vice Consul of France there residing, or of the French agent for the said packets, and all such letters as may be found therein franked by the French Ministers, or either of the great Departments, shall be immediately delivered to the said Consul, Vice Consul, or agent, to be forwarded and transmitted in such manner as he or they may think proper. And further, that whenever, and as often as the Postmaster at New York shall receive from a captain of one of the said packets a mail so put up and directed, and being in good order, he shall give to the said captain a receipt for the same, mentioning therein the name of the captain and packet who brought it, the time when received, and that the same was in good order.

4th. That all letters intended to be transmitted from New York by one of said packets to L'Orient, shall be put up into a mail by the Post Office at New York, which mail, sealed with the known and acknowledged seal of the said office, and directed to the Post Office at L'Orient, shall, at the stated times appointed for the sailing of a packet, be delivered by the said Postmaster to the captain thereof, who shall thereupon give him a receipt for the same; specifying when he received it and that it was in good order.

5th. That whenever one of the said mails shall arrive at L'Orient, and be delivered to the Postmaster there, it shall be opened in the presence of the Consul, Vice Consul, or Agent of the United States, there residing, to whom all such letters found therein as may be franked by the President of Congress or either of the Ministers of the great departments, shall be immediately delivered, and they shall be forwarded and transmitted in any manner that the said Consul, Vice Consul, or agent may think proper. But they, or such one of them, to whom the said letters shall be so delivered, shall, without delay, give a proper receipt for the same to the Post Office.

6th. The Director of the Post Office at L'Orient and the Postmaster at New York shall, with every mail, send each other a letter of advice, specifying the number of letters enclosed in it, which said letters shall be counted on the opening of the mail, to determine whether the number received be the same with the number sent.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, April 18, 1786.

Sir,

I have the honor to address to you, herewith, a note which I request you to lay before Congress. It is in consequence of the pressing orders which I have received by the last packet. I make no doubt but that the importance of the objects it contains will induce you to propose to that assembly to take them into consideration as soon as possible.

I am, with respect, &c.,

OTTO.

Translation.

New York, April 18, 1786.

The undersigned, Chargé d'Affaires of France, has received express orders to remind Congress that a convention relating to the functions of the respective Consuls, was signed between his Majesty and the United States, on the 29th July, 1784, and that the ratifications have not, as yet, been exchanged. The King being desirous that this formality should be no longer deferred, on account of the inconveniences resulting from the delay it has met with, requests that Congress will send their ratification to Mr. Jefferson as soon as possible, to be exchanged for that of his Majesty.

The undersigned takes the liberty to observe that there has not, as yet, been any answer returned to the memorial which he had the honor to present to Congress in the name of his Majesty, the 30th of November last, of the contents of which he has received orders to remind this assembly.

OTTO.



REPORT OF SECRETARY JAY, RELATIVE TO A MOTION OF THE HON.
W. PINCKNEY, &C.

Office for Foreign Affairs, March 9, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a motion of the Hon. W. Pinckney, in the words following, viz: "That the Secretary for Foreign Affairs be directed to inform the Chargé d'Affaires of France that Congress have received his late memorial. That the subject thereof is under their consideration, and that they will use every endeavor in their power to comply fully with their public engagements;" reports,

That, in his opinion, it will always be more proper to convey what Congress may think proper to communicate to a foreign sovereign through their own Minister at his Court, than through his Minister residing at theirs. Wherefore your Secretary thinks that a copy of the memorial in question should be sent to Mr. Jefferson, with orders to assure his most Christian Majesty that Congress are

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using their utmost endeavors to fulfil all their engagements ; and that although they regard all the public creditors with an equal eye, yet as they find themselves particularly called upon by gratitude, as well as by justice, to convince his Majesty of their regard for both, they are determined to make the stipulated payments with as much punctuality and as little delay as circumstances not in their power to control may permit.

Your Secretary also thinks it would be well to permit him to acquaint M. Otto with the substance of the above instruction, that he may be relieved from the anxiety which the apparent silence of Congress on the subject would naturally give him.

All which is submitted to the wisdom of Congress.

JOHN JAY.



THE SCHEME OF A CONVENTION BETWEEN HIS MOST CHRISTIAN
MAJESTY AND THE UNITED STATES OF NORTH AMERICA, FOR
DEFINING AND REGULATING THE FUNCTIONS AND PRIVILEGES OF
CONSULS, VICE CONSULS, AGENTS, AND COMMISSARIES.

The most Christian King and the United States of North America having, by the 29th article of the treaty of amity and commerce concluded between them, granted mutually the liberty of having each in the ports of the other Consuls, Vice Consuls, Agents, and Commissaries, and being willing, in consequence thereof, to determine and fix in a reciprocal and permanent manner the functions and prerogatives of the said Consuls, Vice Consuls, Agents, and Commissaries respectively, have agreed as follows :

ARTICLE I. It shall be the duty of the Consuls of his most Christian Majesty to present their commissions in the first instance to the United States in Congress assembled, by whom an act shall be made recognizing them as such. This act shall be delivered by the Consuls to the supreme Executive power of the State or States to which they may be sent. Two copies of the exequatur, that is, a public notification of the quality of the Consuls, shall thereupon issue from the supreme Executive power, without fees or perquisites of office, and to be retained by the Consuls ; the other to be published in one or more gazettes. This being done, the preëminences,

authority, and privileges stipulated in this convention shall be allowed to them in all places, before all tribunals, and by all persons.

ARTICLE II. The Consuls of his most Christian Majesty, and of the United States, may appoint any number of Vice Consuls within their respective departments. Upon the notification of their appointment by the Consuls to the supreme Executive power of the State to which they may be sent, the exequatur shall be applied for, and delivered by the several States to them, in the same manner as to the Consuls, and thereupon all the preëminences, authority and privileges stipulated in this convention in favor of Vice Consuls shall be allowed in all places, before all tribunals, and by all persons.

ARTICLE III. Consuls and Vice Consuls shall be subjects or citizens of the Power appointing them, and interdicted from all traffic or commerce for their own or others' benefit.

ARTICLE IV. Consuls may also appoint any number of agents within their departments, who may be of their own nation or not, at pleasure. They shall receive a commission from the Consul appointing. They shall not assume any preëminence, authority, or privilege herein granted to Consuls or Vice Consuls, nor exact any fees or reward under any pretence whatever. But they shall confine themselves wholly to the assistance of merchants, mariners, and vessels, and giving information respecting them to the nearest Consul or Vice Consul.

ARTICLE V. There may be attached to the Consulate, at the will of the Consuls, within their department, any number of persons. Neither the papers nor houses of Consuls or Vice Consuls shall be searched. Consuls and Vice Consuls shall enjoy full and entire immunities for their persons, and be exempt from personal service, public offices, finding quarters for soldiers, militia duty, watch ward, guardianship, attorneyship, committeeship, and from all duties, taxes, and imposts whatsoever on moveable property; but shall be liable in respect of real and landed property in the same manner as the subjects or citizens of the country. The arms of his most Christian Majesty or of the United States, as the case may be, shall be placed upon the outer door of their house, and being so placed shall entitle the house to the exemptions aforesaid. But no asylum shall be thereby obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities as those granted in this fifth article to Consuls and Vice Consuls

shall be granted to persons attached to the Consulate, and living under the same roof with the Consuls or Vice Consuls, provided approbation shall be given of their number and appointment by the supreme Executive power of the State to which they may belong.

ARTICLE VI. Consuls, and Vice Consuls in places where there are no Consuls, may have a chapel in their house for the celebration of divine service according to their religious profession. And his most Christian Majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

ARTICLE VII. In all cases in which it may be necessary that the Consuls or Vice Consuls should perform any judicial or official act, the public bodies or the persons in public authority who shall require such act, shall either inform them thereof in writing or send a military or civil officer with a verbal message respecting it. And the Consuls or Vice Consuls shall, on their part, readily and bona fide do whatsoever may be demanded of them on these occasions.

ARTICLE VIII. The Consuls and Vice Consuls, respectively, may establish a chancery, as a depository of the consular acts and deliberations, of effects left by the dead or saved from shipwreck, of testaments, obligations, contracts, and all other acts or things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, entrust to them the keeping of the seal, and the right of affixing the same to commissions, judgments, and other consular acts, and empower them to discharge the functions of notaries and registers.

ARTICLE IX. The Consuls and Vice Consuls, respectively, shall have the exclusive right of receiving in their chancery, or on board of vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers, or merchants of their nation shall think proper to make or lodge therein; and last wills and testaments, and copies of any acts duly authenticated by the Consuls or Vice Consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice, as well in France as in the United States. They shall also have the exclusive right of inventoring the effects of those of their nation who may die within their consulate, liquidating their accounts, and selling their moveable property. They shall call to their assistance in this business two

merchants of their own nation, and of their own choice, and cause to be deposited in the chancery the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judicial, or of the police. But neither the Consuls nor Vice Consuls shall deliver the effects of the deceased, or the produce of the sales, over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act, or bill, shall be discharged. The signature or hand-writing and genuineness thereof being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases payment of no debt shall be made unless the creditor shall first enter into a bond, with one sufficient surety at least, who is a resident on the spot, for the return of all moneys unduly received, as well the principal as interest and costs. The surety shall not be bound beyond one year in time of peace, and two years in time of war. If, however, within those terms, the creditor shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the surety shall stand discharged.

ARTICLE X. The Consuls and Vice Consuls, respectively, shall receive the declarations,* *consulats*, or other consular acts, of all captains and masters of their respective nations, for damages received at sea, by leakage or the throwing of goods overboard. And all *consulats*, or other consular acts, made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the Consuls or Vice Consuls. But where subjects or citizens of their own nation are alone interested, the Consul or Vice Consul shall then choose experienced persons of their respective nations, to settle the same.

ARTICLE XI. In every case of a wreck, the nearest Consul or Vice Consul may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business, no officers of the customs, of justice, of the police, or naval officer, shall interfere, but upon application made to them for their assistance;

* Protests.

in which case they shall exert themselves in the most effectual manner. To prevent all clashing of jurisdictions in case of shipwreck, it is agreed, that where there shall be no Consul or Vice Consul, or they may be more distant from the place of the accident than the judge of the country having authority in such cases, this judge shall immediately proceed to the exercise of his authority according to law ; but shall retire upon the coming of a Consul or Vice Consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the Consul or Vice Consul reimbursements for all expenses. Whatsoever is saved shall be lodged in the nearest custom-house or naval office ; or where there is no custom-house or naval office, in the nearest place of security, with an inventory, prepared by the Consul or Vice Consul, or, in their absence, by the judge of the country as aforesaid. Upon the order of the nearest Consul or Vice Consul, and without any fees or perquisites for storage, when lodged in public stores, the owner may reclaim the property so saved, in person or by attorney, and may either reexport the same, free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case, of a sale of unprohibited goods, there shall be an abatement of the duties on importation in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the Consul, Vice Consul, or judge of the country, or any other competent officer at the time of the accident.

ARTICLE XII. The Consuls and Vice Consuls shall have, on board of the vessels of their respective nations, all power and jurisdiction in matters of a civil nature. They shall have the power of causing the laws, regulations, and ordinances of their respective nations concerning navigation, to be observed on board of their said vessels. For this purpose, they shall freely, and without any molestation or hindrance from any officer or other person, visit the said vessels. They may cause to be arrested and sequestered, every vessel carrying the flag of their respective nations, and even send them back to France or the United States, as the case may be, as well as arrest any captain, master, seaman, or passenger, of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom. It shall be a sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear

in the register of the vessel, or the roll of their crew. Proof being thus made concerning sailors and deserters, all tribunals, judges, and officers whatsoever, shall be interdicted and disabled from taking cognizance in any manner of complaints exhibited by such sailors or deserters. But they shall be delivered up to an order signed by the Consuls or Vice Consuls, without being detained, engaged, or withdrawn in any manner. That these powers, vested in Consuls and Vice Consuls, may be completely executed, all persons in authority shall assist them; and upon a simple requisition made by the Consuls or Vice Consuls in writing, shall cause to be kept in prison, at the disposal and cost of the Consuls or Vice Consuls, the sailors and deserters so arrested, until an opportunity shall be presented of sending them out of the country.

ARTICLE XIII. All offences committed in France, by a citizen of the United States, against a subject of his most Christian Majesty, shall be inquired into and punished according to the laws of France; and those committed in any one of the United States, by a subject of his most Christian Majesty, against a citizen of the United States, shall be inquired into and punished according to the laws of such State; but offences committed in France, by a citizen of the United States, against a citizen of the United States, or committed in any one of the United States, by a subject of his most Christian Majesty, against a subject of his most Christian Majesty, shall be subject to the jurisdiction of the Consuls and Vice Consuls of France or of the United States, as the case may be.

ARTICLE XIV. All differences and disputes between the subjects of his most Christian Majesty in the United States, or between the citizens of the United States in France, and all differences and disputes concerning commerce between the subjects of his most Christian Majesty, one party being resident in France or elsewhere, and another in the United States, or between the citizens of the United States, one party being resident in the United States or elsewhere, and another in France, shall be heard, tried, and decided on by the Consuls or Vice Consuls of their respective nations, either by referring the same to arbitration, or by making a decree summarily, and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. Appeals shall be carried to such courts as have been, or may be appointed by his most Christian Majesty and the United States respectively. No disputes or differ-

ences between a subject of his most Christian Majesty and a citizen of the United States shall be determined or taken up in any manner by the Consuls or Vice Consuls, but shall be decided by the courts of the country in which the defendant shall be found.

ARTICLE XV. The advantages to commerce having caused the erection of certain tribunals in France, and particular forms for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France; and the United States in Congress assembled will recommend to the Legislatures of the several States to establish equal advantages in the speedy decision of causes in favor of French merchants in matters of the same nature.

ARTICLE XVI. The subjects of his most Christian Majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence, either in France or the United States as the case may be. Whensoever any person in France or the United States, as the case may be, shall claim any privilege or exemption as a subject of his most Christian Majesty or of the United States, before any judge, tribunal, or officer whatsoever, a certificate of the Consul or Vice Consul of the district containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption that he is a subject of his most Christian Majesty or of the United States, as the case may be, shall be sufficient evidence thereof unless the contrary shall manifestly appear.

ARTICLE XVII. Conformably to the 3d and 4th articles of the treaty of amity and commerce between his most Christian Majesty and the United States, if any other nation, by virtue of any convention whatsoever, shall receive greater indulgence either in France or in the United States, with regard to consular powers, privileges, or authority, the Consuls, Vice Consuls, Agents, and Commissaries of France and of the United States, as the case may be, shall participate therein.



CONVENTION BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE THIRTEEN UNITED STATES OF NORTH AMERICA, FOR THE PURPOSE OF DETERMINING AND FIXING THE FUNCTIONS AND PREROGATIVES OF THEIR RESPECTIVE CONSULS, VICE CONSULS, AGENTS, AND COMMISSARIES.

His Majesty the most Christian King, and the thirteen United

States of North America having, by the 29th article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having, in their respective States and ports, Consuls, Vice Consuls, Agents, and Commissaries, and being willing in consequence thereof to determine and fix, in a reciprocal and permanent manner, functions and prerogatives of the said Consuls, Vice Consuls, Agents, and Commissaries, his most Christian Majesty has nominated the *Sieur Charles Gravier*, Count of *Vergeunes*, Baron of *Welferding*, &c., Counsellor of the King in all his Councils, Commander of his Orders, head of the Royal Council of Finances, Counsellor of the state of the Sword, Minister and Secretary of State, and of his Commands and Finances; and the United States, the *Sieur Benjamin Franklin*, their Minister Plenipotentiary to his most Christian Majesty, who, after having communicated to each other their respective full powers, agreed upon what follows:

ARTICLE I. The Consuls and Vice Consuls nominated by his most Christian Majesty and the United States, shall be bound to present their commissions on their arrival in the respective States, according to the form which shall be there established. There shall be delivered to them without any charges the exequatur necessary for the exercise of their functions; and on the exhibition they shall make of the said exequatur, the governors, commanders, heads of justice, public bodies, tribunals, and other officers having authority in the ports and places of their consulates, shall cause them to enjoy as soon as possible and without difficulty the preëminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice Consuls any duty under any pretext whatever.

ARTICLE II. The respective Consuls shall have power to establish Vice Consuls in the different ports and places of their departments where necessity shall require. There shall be delivered to them likewise the exequatur necessary to the exercise of their functions in the form pointed out by the preceding article, and on the exhibition which they shall make of the said exequatur, they shall be admitted and acknowledged in the terms and according to the powers, authority, and privileges stipulated by the 1st, 4th, and 5th articles of the present convention.

ARTICLE III. The respective Consuls and Vice Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a

commission from one of the said Consuls. It shall be their business, respectively, to render to their respective merchants, navigators, and vessels all possible service, and to inform the nearest Consul or Vice Consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to the Consuls and Vice Consuls, and without power to exact from the said merchants any duty or emolument whatever under any pretext whatsoever.

ARTICLE IV. The Consuls and Vice Consuls, the officers of the consulate, and in general all persons attached to the consular function shall enjoy, respectively, a full and entire immunity for their persons, their papers, and their houses. The list of the said persons shall be approved and inspected by the executive power of the place of their residence.

They shall be exempt from all personal service and public offices, from soldiers' billets, militia, *watchguard, guardianship, and trusteeship*, as well as from all duties, taxes, impositions, and charges whatsoever, except *the real estates* of which they may be proprietors, which shall be subject to the taxes imposed on the estates of all other individuals.

They shall place over the outward door of their house the arms of their sovereign without; that this mark of distinction shall give to the said house the right of asylum for any malefactor or criminal, so that in case it should happen that any malefactor or criminal takes refuge there, he shall instantly be delivered up on the first requisition and without difficulty.

ARTICLE V. Generally in all cases whatever which concern the police or administration of justice, where it may be necessary to have a juridical declaration from the said Consuls and Vice Consuls, respectively, the governors, commandants, chief justice, public bodies, tribunals, or other officers whatever of their respective residence there having authority, shall be bound to inform them of it by writing to them, or sending to them a military or civil officer to let them know either the object which is proposed, or the necessity there is for going to them to demand from them this declaration; and the said Consuls and Vice Consuls shall be bound on their part to comply faithfully with what shall be desired of them on these occasions.

ARTICLE VI. The Consuls and Vice Consuls, respectively, may

establish a chancery, where shall be deposited the consular acts and deliberations, all effects left by deceased persons, or saved from shipwreck, as well as testaments, obligations, contracts, and in general all the acts and proceedings done between or by persons of their nation.

They may in consequence appoint for the *business* of the said chancery capable persons, receive them, administer an oath to them, give to them the keeping of the seal, and the right of sealing commissions, judgments, and other acts of the consulate, as well as there to discharge the functions of notaries and registers.

ARTICLE VII. The Consuls and Vice Consuls, respectively, shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, seamen, passengers, and merchants of their nation would make there, even their testaments, and other dispositions of last will; and the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls, and under the seal of their consulate, shall receive faith in law in all the tribunals of France and the United States.

They shall have, also, and exclusively, the right to inventory, liquidate, and proceed to the sale of the moveable effects of the estates left by subjects of their nation who shall die within the extent of their consulate. They shall proceed therein with the assistance of two merchants of their said nation, of their own choosing, and shall deposit in their chancery the effects and papers of the said estates; and no officer, military or civil, or of the police of the country, shall trouble them, or interfere therein, in any manner whatsoever. But the said Consuls and Vice Consuls shall not deliver up the same and their product to the lawful heirs or *their attorneys*, until they shall have discharged all the debts which the deceased shall have contracted in the country, by judgment, by acts, or by notes, the writing and signing of which shall be known and certified by two principal merchants of the nation of the said deceased; and in all other cases the payment of debts cannot be ordered but on the creditors giving sufficient and local security to repay the sums unduly received, principal, interest, and costs; which securities, however, shall remain duly discharged after a year in time of peace, and two years in time of war, if the demand in discharge cannot be formed before these delays against the heirs which shall present themselves.

ARTICLE VIII. The respective Consuls and Vice Consuls shall

receive the declarations, "*consulats*," and other consular acts, from all captains and masters of their respective nations, on account of average, losses sustained at sea by leakage or throwing merchandize overboard; and these captains and masters shall leave in the chancery of the said Consuls and Vice Consuls the "*consulats*," and other consular acts which they may have had made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of his most Christian Majesty and a citizen of the United States are interested in the said cargo, the average shall be fixed by the tribunals of the country, and not by the Consuls or Vice Consuls; and the tribunals shall admit the acts and declarations, if any should have been passed before the said Consuls and Vice Consuls; but when only the subjects of their own nation, or foreigners, shall be interested, the respective Consuls or Vice Consuls, and in case of their absence or distance, their agents furnished with their commission, shall officially nominate skilful persons of their said nation to regulate the damages and averages.

ARTICLE IX. In case, by storm or other accidents, French ships or vessels shall *run ashore* on the coasts of the United States, and the ships and vessels of the United States shall *run ashore* on the coasts of France, the Consul or Vice Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and security of the effects and merchandize saved. He may take an inventory, without any officers military, of the custom-house, justices, or the police of the country interfering, otherwise than to facilitate to the Consuls, Vice Consuls, captain and crew of the vessel shipwrecked or run ashore, all the assistance and favor which they shall ask, either for the celerity and security of the salvage and effects saved, or to prevent all disturbances.

To prevent even any kind of dispute and discussion in the said cases of shipwreck, it has been agreed that where no Consul or Vice Consul shall be found to attend to the salvage, or that the residence of the said Consul or Vice Consul (he not being at the place of shipwreck) shall be further distant from the said place than that of the competent territorial judge, the latter shall immediately there proceed therein with all the celerity, safety, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the coming of the Consul or Vice Consul, and shall resign to him

the procedures by him done, the expenses of which the Consul or Vice Consul shall cause to be reimbursed to him.

The merchandize and effects saved shall be deposited in the custom-house, or other nearest place of safety, with the inventory of them, which shall be made by the Consul or Vice Consul, or, in their absence, by the judge who shall have had cognizance thereof, and the said merchandizes and effects shall be afterwards delivered, after levying therefrom the costs, and without form of process to the proprietors, who, being furnished with a *replery* from the nearest Consul or Vice Consul, shall reclaim them by themselves, or by their attorneys, either for the purpose of reëxporting the merchandizes—and in that case they shall pay no kind of duties of exportation—or for the purpose of selling them in the country, if they are not prohibited; and in this latter case, the said merchandizes being averaged, there shall be granted them an abatement of the entrance duties proportioned to the damage sustained, which shall be ascertained by *the verbal process* formed at the time of the shipwreck, or of the vessel's running ashore.

ARTICLE X. The Consuls and Vice Consuls shall have on board of the vessels of their respective nations full power and jurisdiction in matters civil. They shall cause to be executed the respective laws, ordinances, and rules concerning navigation on board of the said vessels, and for this purpose they shall go there without being interrupted by any officer or other person whatsoever.

They may cause to be *arrested* every vessel carrying the flag of their respective nation; they may sequester them, and even send them back respectively from the United States to France, or from France to the United States; they may cause to be arrested, without difficulty, every captain, master, sailor, or passenger of their said respective nation.

They may cause to be arrested or detained in the country the sailors and deserters of their respective nations, or send them back or transport them out of the country.

It shall be a sufficient proof that the sailors and deserters belong to one of the respective nations that their names be written in the ship's register or inserted in the roll of the crew.

One and the other of these proofs concerning sailors and deserters being thus given, no tribunals, judges, or officers whatsoever shall, in any manner whatever, take cognizance of the complaints which

the said sailors and deserters may make, but they shall, on the contrary, be delivered up on an order signed by the Consul or Vice Consul, without its being in any one's power in any manner to detain, engage, or withdraw them. And to attain to the complete execution of the arrangements contained in this article, all persons having authority shall be bound to assist the said Consuls and Vice Consuls, and on a simple requisition signed by them, they shall cause to be detained and guarded in prison, at the disposal and expense of the said Consuls and Vice Consuls, the said sailors and deserters until they shall have an opportunity to send them out of the country.

ARTICLE XI. In cases where the respective subjects shall have committed any crime, they shall be amenable to the judges of the country.

ARTICLE XII. All differences and suits between the subjects of his most Christian Majesty settled in the United States, or between the citizens and subjects of the United States settled in France, and all differences and suits concerning commerce between the subjects of his most Christian Majesty and one of the parties residing in France or elsewhere, and the other in the United States, or between the citizens and subjects of the United States, one of the parties residing in the United States or elsewhere, and the other in France, shall be determined by the respective Consuls, either by a reference to arbitration or by a summary judgment and without costs.

No officer, civil or military, shall interfere or take any part whatever in the affair. Appeals shall be carried before the tribunals of France or the United States, to whom it may appertain to take cognizance thereof. The Consuls or Vice Consuls shall not take cognizance of disputes or differences which shall arise betwixt a subject of his most Christian Majesty and a citizen of the United States; but the said disputes shall be brought before the tribunals to which the defendant shall be amenable.

ARTICLE XIII. The general utility of commerce having caused to be established in France tribunals and particular forms to accelerate the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments in France, and the Congress of the United States shall recommend to the Legislatures of the different States to provide equivalent advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV. The subjects of his most Christian Majesty and those of the United States, who shall prove that they belong to the body of their respective nations, by the certificate of the Consul or Vice Consul of the districts, mentioning their names, surnames, and place of their settlement, as inscribed in the registers of the consulate, shall not lose, for any cause whatever, in the respective domains and States, the quality of subjects of the country of which they originally were, conformably to the 11th article of the treaty of amity and commerce, of the 6th February, 1778, of which the present article shall serve as an interpretation in case of necessity, and the said subjects respectively shall enjoy, in consequence, exemption from all personal service in the place of their settlement.

ARTICLE XV. If any other nation acquires, by virtue of any convention whatever, either in France or in the United States, a treatment more favorable with respect to the consular preëminences, powers, authority, and privileges, the Consuls, Vice Consuls, and Agents of his most Christian Majesty or the United States, reciprocally shall participate therein, agreeable to the terms stipulated therein, agreeable to the terms stipulated by the 2d, 3d, and 4th articles of the treaty of amity and commerce, concluded between his most Christian Majesty and the United States.

ARTICLE XVI. The ratification of the present convention shall be given in proper form, and exchanged on both sides within the space of six months, or sooner if possible.

In faith whereof, we, the underwritten Ministers Plenipotentiaries of his most Christian Majesty and the United States of North America, have signed the present convention, and have thereto affixed the seal of our arms.

Done at Versailles, the 29th July, one thousand seven hundred and eighty-four.

GRAVIER DE VERGENNES,
B. FRANKLIN.

Faithfully translated from the original, by

JOHN PINTARD.

REPORT OF SECRETARY JAY, RESPECTING FRENCH AND AMERICAN
CONSULS.

Office for Foreign Affairs, July 4, 1786.

The Secretary of the United States for the Department of Foreign

Affairs, to whom was referred a copy of the Convention respecting French and American Consuls, reports,

That the convention, of which the abovementioned is a copy, having been formally executed by French and American Plenipotentiaries, nothing is wanting to perfect that compact but the ratifications specified in the 16th article.

The only question, therefore, that remains to be decided is whether Congress ought to ratify this convention.

To decide this question properly it appears necessary,

1st. To recur to the powers and instructions given to their Minister on this subject, and inquire whether he has pursued them essentially ; and 2d, whether, in case of deviations, they are of such a nature as to justify a refusal to ratify.

It is to be observed that on the 25th January, 1782, Congress resolved that the Minister Plenipotentiary of the United States at the court of Versailles be, and is hereby, authorized and *instructed* to enter into a convention with his most Christian Majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereunto subjoined, unless it shall be deemed by his most Christian Majesty more expedient that the same should be executed in the United States.

That the said Minister Plenipotentiary *use his discretion as to the words or arrangement* of the convention, confining himself to the *matter* thereof in all respects, except as to so much of the 6th article as relates to the erection of a chapel, taking care that reciprocal provision be made for the recognition of the Consuls and Vice Consuls of the United States, and for the admission of persons attached to the consulate to the privileges stipulated in the 5th article, in a manner most conducive to expedition, and freest from difficulty.

This is the only instruction, as well as the only authority, given on the subject to the American Minister, that your Secretary finds.

SCHEME TITLE.

Convention between his most Christian Majesty and the *United States of North America*, for defining and regulating the functions and privileges of Consuls, Vice Consuls, Agents, and Commissaries.

CONVENTION TITLE.

Convention between his most Christian Majesty and the *THIRTEEN United States of North America*, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, Vice Consuls, Agents, and Commissaries.

The style of the Confederacy being "The United States of America," the scheme and the convention are both erroneous so far as they both add the word "North." But the title of the convention departs essentially from that of the scheme, inasmuch as it limits the compact to the *thirteen* United States of America, and consequently *excludes* from it all such other States as might, before the ratification of it, or in future be created by or become parties to the Confederacy; whereas, the words in the title of the scheme, *United States of North America*, would, if used, have comprehended them all.

SCHEME.

ARTICLE I. It shall be the duty of the Consuls of his most Christian Majesty *to present their commissions in the first instance to the United States in Congress assembled*, by whom an act shall be made recognizing them as such. This act shall be delivered by the Consuls to the supreme Executive power of the State or States to which they may be sent.

Two copies of the *exequatur* (that is, a public notification of the quality of the Consuls,) shall thereupon issue from the supreme Executive power, without fees or perquisites of office; one to be retained by the Consuls, the other to be published in one or more gazettes. This being done, the preëminences, &c., shall be allowed to them, &c.

CONVENTION.

ARTICLE I. The Consuls and Vice Consuls nominated by his most Christian Majesty and the United States shall be bound *to present their commissions on their arrival in the respective States, according to the form which shall be there established*. There shall be delivered to them, without any charges, the *exequatur* necessary for the exercise of their functions; and, on the exhibition they shall make of the *exequatur*, the Governor, &c., having authority in the ports and places of their consulates, shall cause them to enjoy, as soon as possible, and without difficulty, the preëminences, &c.

The scheme expressly directs that their commissions shall, in the first instance, be *presented to Congress*, but the convention, by omitting this, seems to intend something else. It indeed directs that they shall *present their commissions on their arrival in the respective States, according to the form*, "*qui s'y trouvera établie*," *which shall be there found established*, but whether established by the *State* or by *Congress*, is undecided.

The second article in both appear to be alike in substance.

SCHEME.

ARTICLE III. Consuls or Vice Consuls shall be subjects or citizens of the Power appointing them, and interdicted from all traffic or commerce for their own or another's benefit.

CONVENTION.

This article is wholly omitted in the convention, and that omission is an essential, though perhaps not in itself a very important, deviation from the scheme.

The fourth article in the scheme, and the third in the convention, respecting agents, differ essentially only in this, that the former has these words: "*Nor exact any fees, or reward under any pretence whatever,*" whereas the latter seems to limit that prohibition by these words; "*and without power to exact from the said merchants any duty or emoluments whatever, under any pretext whatsoever.*"

The fifth article in the scheme and the fourth article in the convention have no material difference.

SCHEME.

ARTICLE VI. Consuls (and Vice Consuls in places where there are no Consuls) may have a chapel in their houses for the celebration of Divine service, according to their religious profession; and his most Christian Majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

CONVENTION.

This article is omitted in the convention. By the instruction given to the Minister, that matter seems to have been left to his discretion. The omission, however, appears important to your Secretary, from this consideration, that although the Catholic religion may be freely and publicly professed and exercised in the United States, yet the Protestant religion has no legal toleration in France. This omission, therefore, is a departure from the line of reciprocity.

The seventh article in the scheme and the fifth in the convention are much alike.

The eighth article in the scheme and the sixth in the convention are similar.

The ninth article in the scheme and the seventh in the convention also correspond.

SCHEME.

Extract from the tenth article *on average*.

If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled

CONVENTION.

Extract from the eighth article *on average*.

If a subject of his most Christian Majesty and a citizen of the United States are interested in the said cargo,

by the tribunals of the country, not by the Consuls or Vice Consuls.

But where subjects, citizens of their own nation, are alone interested, the Consul or Vice Consul shall then choose experienced persons of their respective nations to settle the same.

the average shall be fixed by the tribunals of the country, and not by the Consuls or Vice Consuls, *and the tribunals shall admit the acts and declarations, if any should have been passed before the said Consuls and Vice Consuls.*

But when only the subjects of their own nation *or foreigners* shall be interested, the respective Consuls or Vice Consuls, *and in case of their absence or distance, their agents, furnished with their commission, shall officially* nominate skilful persons of their said nation to regulate the damages and averages.

The convention here appears to differ materially from the scheme in *three* respects: 1st. As it provides for the admission in evidence by our tribunals of acts and declarations passed before Consuls and Vice Consuls respecting the matter in controversy, and consequently opens a door to *ex parte* affidavits. 2d. The scheme confines the jurisdiction of Consuls and Vice Consuls to cases where none but their own people are concerned; whereas the convention extends it *to foreigners*. 3d. The scheme authorizes none but Consuls or Vice Consuls to appoint persons to settle the damages in question; but the convention makes an ulterior provision, and authorizes their agents *ex officio* to do it in certain cases.

The eleventh article in the scheme and the ninth in the convention are not materially different.

SCHEME.

Extract from 12th Article.

They (Consuls and Vice Consuls) may cause to be arrested and sequestered every vessel carrying the flag of their respective nations. They may cause to be arrested and detained in the country sailors and deserters of their respective nations, or cause them to be transported therefrom.

CONVENTION.

Extract from 10th Article.

They may cause to be arrested every vessel carrying the flag of their respective nations. They may sequester them, and *even send them back* respectively from the United States to France, or from France to the United States. They may cause to be arrested without difficulty every *captain, master, sailor, or passenger* of their said respective nations. They may cause to be arrested and detained in the country the sailors and deserters of their respective nations, or send them back, or transport them out of the country.

These articles differ in these respects. The scheme does not

authorize the Consuls to *send vessels* back ; but the convention does. The scheme does not authorize them to arrest *captains and masters* of vessels ; but the convention does. The scheme does not authorize them to arrest *passengers* ; but the convention does.

SCHEME.

13th Article.

All offences committed in France by a citizen of the United States against a subject of his most Christian Majesty, shall be inquired into and punished according to the laws of France; those committed in any one of the United States by a subject of his most Christian Majesty against a citizen of the United States, shall be inquired into and punished according to the laws of such State. But offences committed in France by a citizen of the United States against a citizen of the United States, or committed in any one of the United States by a subject of his most Christian Majesty against a subject of his most Christian Majesty, shall be subject to the jurisdiction of the Consuls and Vice Consuls of France or the United States as the case may be.

CONVENTION.

11th Article.

In cases where the respective subjects shall have committed any crime, they shall be amenable to the judges of the country.

These two articles differ in this, that the one in the scheme gives cognizance of certain offences to the Consuls and Vice Consuls, but the one in the convention gives that cognizance to the Judges of the country.

The 14th article in the scheme and the 12th in the convention differ only in this, that the former refers certain offences, disputes, and differences to the jurisdiction of the Consuls and Vice Consuls ; whereas the latter is silent as to offences, and omits making any mention of them.

The 15th article in the scheme and the 13th in the convention are alike.

SCHEME.

16th Article.

The subjects of his most Christian Majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence, either in France or the United States, as the case may be; whensoever any person

CONVENTION.

14th Article.

The subjects of his most Christian Majesty and those of the United States, who shall prove that they belong to the body of their respective nations, by the certificate of the Consul or Vice Consul of the district, mentioning their names,

in France or the United States, as the case may be, shall claim any privilege or exemption of a subject of his Most Christian Majesty, or of the United States, before any judge, tribunal, or officer whatsoever, a certificate of the Consul or Vice Consul of the district, containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption that he is a subject of his most Christian Majesty, or of the United States, as the case may be, shall be sufficient evidence thereof, unless the contrary shall manifestly appear.

surnames, and place of their settlement as inscribed in the registers of the consulate, shall not lose, *for any cause whatever*, in the respective domains and States, the quality of subjects of the country of which they originally were, conformably to the 11th article of the treaty of amity and commerce of the 6th February, 1778, of which the present article shall serve as an interpretation in case of necessity, and the said subjects respectively shall enjoy, in consequence, *exemption* from all personal services in the place of their settlement.

These two articles vary from each other essentially: *first*, in that the certificate of the Consul is by the convention made the sole and exclusive proof of nationality; whereas the scheme requires also the affidavit of the party, and makes that joint evidence conclusive only in cases where *the contrary shall not manifestly appear*. *Secondly*, in that the convention declares that persons having such certificates *shall not lose, for any cause whatever, the quality of subjects of the country of which they originally were*; whereas the scheme, by not giving such operation to those certificates, leaves such persons within the reach of naturalization. *Thirdly*, in that the convention makes this article auxiliary to the 6th article of the treaty by declaring that it shall serve as an interpretation in case of necessity; whereas the scheme does not constitute any connexion between this article and the treaty.

There is no difference between the 17th article in the scheme and the 15th in the convention, except that the former refers only to the 3d and 4th articles of the treaty; whereas the latter refers to the 2d, 3d, and 4th.

The convention contains an article, viz: the 16th, which provides for the exchange of ratifications; but there is no such article in the scheme.

It appeared proper to your Secretary thus particularly to state the principal variances between the scheme and the convention, that Congress may the more easily judge how far they correspond. The deviations in question, though different in degrees of importance, yet seem to be alike in this, that they depart from the *matter* of the scheme, and not merely from the wording or arrangement of it.

As sovereigns treat and act with each other by their Ministers, it becomes essential that the acts of those Ministers should not be obligatory until after they have ratified, it being reasonable that the sovereigns should have an opportunity of judging whether their powers have not been exceeded, and whether their instructions have been pursued. A refusal to ratify can, therefore, be warranted only by the one or the other of these principles, viz: either that their Ministers have exceeded the powers delegated by their commission, or departed from the instructions given them to limit and regulate the exercise and use of those powers which are commonly expressed in very general terms.

Hence it becomes important that the sovereign refusing to ratify should be in capacity to show clearly what the powers and instructions given were; and also that the treaty or convention in question is not conformable thereto.

In the present case there can be no difficulty, because all the power and authority delegated to the American Minister, rest entirely on the resolution of the 25th January, 1782, which, in a few words, so blends his authority and his instructions that he could not communicate to the French Minister the one without the other.

Where an open and general commission is given, accompanied by private and particular instructions, the one may be shown and the other reserved. And though a departure from such instructions is good cause to refuse a ratification, yet more difficulties attend such cases than the present, because the other party being ignorant of the instructions, and relying on the full powers treat in full confidence and expectation that the proceedings will be ratified. But as the French Minister, in this instance, knew exactly how far the American Minister could go, and said plainly that he was not to depart from the matter of the scheme, which accompanied and was referred to in his powers and instruction, they could, in case of essential deviations, only expect a ratification *de gratia*, and not *de jure*; and, consequently, can have no reason to be dissatisfied in case it should be declined.

Thus much appeared necessary to observe, in order to shew that Congress have a right to refuse the ratification in question; but whether it would be politic and expedient to do it are questions which must be entirely referred to the wisdom of Congress. Your Secretary, however, in order fully to comply with what he conceives to

have been the intention of Congress in referring the convention to him, will now proceed to state the several objections to which, in his opinion, it is liable.

The convention appears well calculated to answer several purposes ; but the most important of them are such as America has no interest in promoting. They are these :

1st. To provide against infractions of the French and American laws of trade.

2d. To prevent the people of one country from migrating to the other.

3d. To establish in each other's country an influential corps of officers, under one chief, to promote mercantile and political views.

The *first* of these objects is clearly evinced by the tenth article.

The *second* of these objects, though less explicitly, is still sufficiently evident from the fourteenth article.

The *third* of these objects, as it respects mercantile views, is apparent from the general tenor of the convention ; and it appears plain to your Secretary, that a Minister near Congress, Consuls so placed as to include every part of the country in one consulate or other, Vice Consuls in the principal ports, and agents in the less important ones, constitute a corps so coherent, so capable of acting jointly and secretly, and so ready to obey the orders of their chief, that it cannot fail of being influential in two very important political respects—first, in acquiring and communicating intelligence ; and secondly, in disseminating and impressing such advices, sentiments, and opinions of men and measures as it may be deemed expedient to diffuse and encourage. These being the *three* great purposes which the convention is calculated to answer, the next question which naturally occurs is, whether the United States have any such purposes to answer by establishing such a corps in France.

As to the first, we have no laws for the regulation of our commerce with France, or any of her dominions, and consequently we want no provisions or guards against the infraction of such laws.

As to the second, we have not the most distant reason to apprehend or fear that our people will leave us and migrate, either to the Kingdom of France or to any of its territories ; and, consequently, every restriction or guard against it must be superfluous and useless.

As to the third, France being a country in whose government the people do not participate, where nothing can be printed without

previous license, or said without being known, and if disliked, followed with inconveniences, such a corps would there be very inefficient for political purposes. Where the people are perfectly unimportant, every measure to influence their opinions must be equally so. For political purposes, therefore, we do not want any such corps in France. As to assisting our merchants, and such other matters as properly belong to Consuls, they would answer all those purposes just as well without these extraordinary powers as with them. •

Hence it is clear to your Secretary that the three great purposes which the convention is calculated to answer, are such as the United States have no interest in promoting. Whether France has any such purposes to answer in the United States, and how far this convention may facilitate the pursuit of them, are questions which the discernment of Congress renders it unnecessary for your Secretary to discuss.

Your Secretary also considers this convention as greatly deficient in reciprocity, inasmuch as by it we are to admit French Consuls into all our ports and places without exception; whereas no provision is made for the admission of ours into any of the ports, places, and dominions of his most Christian Majesty, except the Kingdom of France only.

He also thinks that the omission of the article securing to Consuls the right of worshipping in their own way in chapels in their own houses, is a deviation from reciprocity, especially as that liberty is not only permitted but established here. But independent of these general circumstances and considerations, your Secretary thinks the convention is liable to several strong and particular objections.

When these States assumed a place among the nations of the earth they agreed upon and published to the world the style and title by which they were to be known and called, and your Secretary does not conceive that other nations are more at liberty to alter that style than the United States are to alter the title of his most Christian, most Catholic, or any other Majesty in Europe. He therefore thinks that no act should be ratified by Congress until every error of this kind is corrected. Though these matters are very unimportant in themselves, yet they become so as precedent, one little liberty unchecked often smoothing the way for a greater.

The convention directs the Consuls, on their arrival in the respective States, to present their commissions according to the forms which

shall be there found established; although the word *respective* here used relates to the two countries, and not to the individual States of which our Confederacy is composed; yet it still is doubtful whether the form alluded to is to be established by Congress or the State to which they may be sent, and at which they may arrive. The like remarks apply to the case of Vice Consuls mentioned in the second article.

*In countries where the laws alone govern, it should, in the opinion of your Secretary, be an invariable maxim not to permit any civil power to be exercised in it but by the citizens of the country legally and constitutionally authorized thereto; and that as few persons as possible should be exempt in any respect from the jurisdiction of the laws.

In his opinion, therefore, none but the immediate representatives of sovereigns ought to have such exemptions. A Consul is not of that description. According to the law of nations Ambassadors must be received; but that law does not extend to Consuls, and, therefore, every nation may admit them on their own terms. It is not easy to assign a good reason for granting them a full and entire immunity for their persons, papers, houses, and servants, other than such as the free citizens of the country enjoy. As they are protected by the laws they should be subject to them.

But the convention goes much further—it grants this immunity not only to Consuls and also to Vice Consuls, but also to all their different officers, and in general to all persons attached to the consulate. Various abuses difficult to detect, and still more difficult to correct, would naturally attend such extensive exemption from the process and jurisdiction of our laws, which can only proceed in one open, plain, direct path, without the aid of those detours and expedients well known and daily practised in absolute governments.

The 5th article, respecting calling upon them for evidence, seems to be an unnecessary departure from our laws. Why should Consuls and Vice Consuls be called upon to give evidence in a manner less formal and less coercive than the first and highest officers of our Government are?

The 6th and 7th articles establishing consular and vice consular chanceries, create an *imperium in imperio*, which in several respects must clash with the internal policy of these States, and with which it is not clear that Congress can authorize any persons to interfere; such as,

1st. Their officers shall discharge the functions of notaries. If by notaries be intended such as are known in this country, they are public officers that can only be appointed in the manner prescribed by the governments of the different States.

2d. All effects left by deceased persons of their nation are to be deposited there, and they are to have the *exclusive* right to inventory, liquidate, and sell the moveable effects, &c., so left. So that with respect to these matters, not only the executors of the deceased are to be excluded, but our judge of probates is to lose his jurisdiction. And yet consular copies of such wills and acts, though unknown to our laws, are to be admitted as evidence in our courts.

3d. If a Frenchman having many goods in possession and many debts to pay should die, his creditors, according to this system, are to have no other dependence for payment, but the integrity of the Consul or Vice Consul, who alone can take possession of his goods. No action can be brought against these officers, nor any process touch anything in their houses. So that our courts are so far to lose their jurisdiction, and American creditors in effect their right of action.

4th. Notes given by Frenchmen dying here are put on another footing from notes given by our citizens with respect to evidence. For the convention demands that the *writing and signing* of them shall be known and certified by *two principal merchants of his nation*, which very materially alters our law on that subject.

From these and other circumstances, it appears that this convention will make a strong line of separation between French and American inhabitants in this country.

The 10th article needs no comment. It gives to Congress as complete jurisdiction over French vessels in our harbors as any of the King's officers could exercise over them in the harbors of France. One circumstance, however, is very striking, and merits much attention, viz: their power to *arrest passengers*, which, doubtless, will be the case whenever passengers shall attempt to come here in a manner, and for purposes not consistent with the ordinances against emigration; and the power to arrest also the captains and masters is, doubtless, intended to punish neglect of those ordinances, and to render them very circumspect in their conduct relative to passengers and cargoes.

How far the power of arresting and reëxporting sailors and

deserters may operate on emigrants is not difficult to foresee, as the Consuls are to be the only judges, and our courts are excluded from hearing the complaints of any persons whom the Consuls may describe by those appellations.

The 14th article makes the certificate of a Consul conclusive proof of a man's being a Frenchman, and declares that he who shall make *such proof* shall not lose, *for any cause whatever*, the quality of a subject.

That the manifestation of so important a fact should depend wholly on such a certificate, that no counter proof should be offered and prevail, is really to make the consular chancery a court of record (and that not only for judicial acts, but also for facts) against whose records, and even the copies of them, there can be no averment. This does not comport with the genius and spirit either of our constitutions or our laws, both of which secure to every inhabitant and citizen the inestimable privilege of offering, in our tribunals, every species of legal evidence that may tend to elucidate the merits of the cause before them. But this is not the only objection to which this article is liable—one much more interesting is obvious.

Where such certificates appear, the person named in them is not to lose, *for any cause whatever*, the quality of subject, so that even legal naturalization is not to operate as a cause. That this is the true construction of that clause is evident from its expressly referring to the 11th article of the treaty, and declaring that it shall serve as *an interpretation* thereof. Let us recur to that article.

After stating the privileges which persons of the two nations shall enjoy in each other's country, it thus proceeds:

“But it is at the same time agreed that its contents shall not affect ‘the laws made, *or that may be made hereafter in France* against ‘emigration, which shall remain in all their force and vigor; and ‘the United States on their part or any of them shall be at liberty to ‘enact such laws relative to that matter as to them shall seem ‘proper.”

Now let us collect into one point of view the different parts of the system from their dispersed situation in the treaty, and in the articles of this convention, and see how it will operate.

The King has a right to make what laws he may think proper respecting navigation and emigration.

Suppose a law directing that every passenger shall, on his arrival

in America, immediately report himself to the Consul or Vice Consul nearest the place of his arrival, to the end that his name and description be entered in the consular registers.

The 10th article of the convention declares that they shall cause to be executed the respective laws or ordinances and rules concerning navigation on board the said vessels, and that they may cause every passenger to be arrested. Hence it will happen that every passenger will be noted and described in their books, before such passenger can obtain naturalization. And if he should afterwards obtain it, the 14th article renders it avoidable by ordaining that "They who 'shall prove they belong to the body of their respective nations 'by the certificate of the Consul or Vice Consul of the district, 'mentioning their names, surnames, and place of their settlement, *as 'inscribed in the registers of the consulate, shall not lose, for any 'cause whatever, in the respective States and domains, the quality of 'subjects of the country of which they originally were.*"

And the same article proceeds to declare, what is really not the fact, that this is conformable to the 11th article of the treaty; and, as if conscious that the said article does not admit of such construction, it adds that it shall serve as an interpretation of it. That is, that it shall be so construed in future that the 11th article does no more than declare the right of the King to make what laws he pleases against emigration, but there is nothing in it which says, or seems to say, that his subjects producing the beforementioned certificates, *shall not, for any cause whatever, lose that quality* in our country.

Although the true policy of America does not require, but, on the contrary, militates against such conventions; and although your Secretary is of opinion that the convention, as it now stands, ought not to be ratified, yet as Congress have proceeded so far in the present instance, he thinks that instructions should be sent to their Minister at Versailles, to state their objections to the present form, and to assure the King of the readiness of Congress to ratify a convention made agreeable to the scheme beforementioned, provided an article be added to limit its duration to eight or ten years, in order that practice and experience may enable them to judge more accurately of its merits than can ever be done of mere theoretical establishments, however apparently expedient.

All of which is submitted to the wisdom of Congress.

JOHN JAY.

REPORT OF SECRETARY JAY TO CONGRESS.

Office for Foreign Affairs, August 18, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred back his report of 4th July, 1786, on the Consular Convention between France and the United States, reports,

That, in his opinion, a copy of *that report* should be transmitted to the Minister Plenipotentiary of the United States at Paris, in order that he may thereby become fully informed of the objections to which the convention is liable.

That a certified copy of *the act of Congress* of the 25th day of January, 1782, authorizing and directing the honorable Doctor Franklin to conclude a consular convention, be also sent to him.

That a certified copy of *the scheme* of such convention, referred to in the above act of Congress, be also sent to him.

That he be instructed to communicate the said act of Congress and the said scheme to his most Christian Majesty, and to point out to him the instances in which the convention deviates from the said scheme.

That he be also instructed to propose to his Majesty that the said convention be so amended as perfectly to correspond with the scheme in every part where a deviation from the same is not permitted by the said act. And further, that he represent to his Majesty the desire of Congress to make the said convention *probationary*, by adding a clause for limiting its duration to eight or ten years.

That he assure his Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings, and that on receiving the convention so amended, and with such a clause, they will immediately ratify it.

Your Secretary thinks it should also be resolved that the honorable Thomas Jefferson, Esq., the Minister Plenipotentiary of the United States at the court of Versailles, be, and he is hereby, authorized and directed to conclude and sign, on the part of the United States, with the Minister of his most Christian Majesty having equal powers, a convention for the regulation of their respective Consuls, conformably to the scheme abovementioned, in every respect except where deviations from it are permitted by the said act of Congress

of the 25th day of January, 1782, and with a clause limiting the duration of the said convention to any term of years not exceeding ten.

Your Secretary thinks he should be directed to write the following letter to Mr. Jefferson :

“Sir,

“I have the honor of transmitting to you, herewith enclosed, the following papers, viz :

“No. 1. A copy of the consular convention signed by the French and American Plenipotentiaries.

“No. 2. A copy of the act of Congress under which the American Plenipotentiary signed the same.

“No. 3. A copy of the scheme of a convention, mentioned and referred to in the said act.

“No. 4. A copy of a report on the said convention.

“No. 5. A copy of an act of Congress containing instructions and giving authorities to you on the subject of the said convention.

“These papers will possess you fully of the whole business. I am persuaded that it will appear to you, as it does to Congress, to be a delicate one, and to require delicate management.

“The original scheme of the convention is far from being exceptionable, but a former Congress having agreed to it, it would be improper now to recede ; and therefore Congress are content to ratify a convention made conformable to that scheme, and to their act of the 25th day of January, 1782, provided a clause limiting its duration be added.

“It will be proper, therefore, to press on the court *only* such objections to the convention as arise from its departure from the scheme. On making an accurate comparison, such departure will appear manifest to his Majesty ; and there is reason to expect from his candor, that he will readily consent to remove the objections occasioned by it.

“As it certainly is wise to try the merits of institutions entirely new by actual experience before nations adopt them forever, the propriety of rendering this convention probationary in the first instance is unquestionable. Congress cannot, therefore, presume that his most Christian Majesty will object to a clause for limiting its duration. The design of this convention being for mutual and reciprocal benefit and convenience, it would be doing injustice to his Majesty to

suppose that he would wish to provide for its existing longer than it should prove useful and satisfactory. If after the experience of a few years it should be found to answer the purposes intended by it, both parties will have sufficient inducements to renew it, either in its present form or with such alterations and amendments as time, experience, and other circumstances may indicate."

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM MONSIEUR DE LA FORÊT TO JOHN JAY.

Translation.

New York, ——— 23, 1786.

Monsieur de la Forêt has the honor to present his respects to the honorable Mr. Jay, and to enclose to him an extract of a letter which he received by the last packet.

Extract of a Letter from the Mareschal De Castries, of the 11th August, 1786, to M. De la Forêt.

"The United States must have seen our readiness to lend our good offices to their agents sent to the Regencies of Barbary. But the present system of that of Algiers, and the personal character of the Dey, give occasion to fear that they have not the success that we have desired."

Extract of a Letter from Mareschal De Castries to M. De la Forêt.

Versailles, January 22, 1786.

"The King has expressly recommended to his Consuls General and Chargé d'Affaires at Algiers and Morocco, the persons and negotiations of the Consuls whom Congress has sent to treat of peace with those Powers; but our endeavors will be fruitless, if the conditions required should not be complied with; and it would be to

deceive one's self to expect that any consideration could induce the Emperor of Morocco, and particularly the Regency of Algiers, to forego the advantages presented to them by the interest which the Americans have in living at peace with them. It will belong to their agents to obtain *good*, or, to speak more properly, the least *burthen-some* conditions, and no doubts should be entertained in America of the services which we are pressing, to render them to that effect."

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, April 24, 1786.

Sir,

I received from M. De la Forêt the enclosed extract from a letter of M. De Castries, to which I have added a translation.

With great respect, &c.,

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, June 27, 1786.

Sir,

On the occasion of the letter which I had the honor to write to you on the 28th April last, you were pleased to promise me verbally to solicit with Congress the ratification of our consular convention as soon as there should be nine States represented. All the members of this assembly with whom I have conversed have assured me that the delay which this ratification has experienced was principally owing to this: that Congress had not received a copy of this convention until long after its signature, and that since that time this assembly has never found itself sufficiently numerous to take it into consideration. I have transmitted this answer to my Court, and Mr. Jefferson has received analogous instructions to inform the Minister of the reasons of the long silence of Congress respecting an object on which the Plenipotentiaries of the two nations had solemnly agreed. Since that period the Congress have not only been found

complete, but they have ratified the treaty of commerce with Prussia, although the signature of that treaty was a good deal more recent than that of the consular convention.

The United States being again sufficiently represented, I beg the favor of you to submit this affair to their consideration. Whatever may be their resolution in this respect, it is to be desired to facilitate the business with which the respective Consuls are charged, that they may be informed of the extent of their powers, and that they may know, in a clear and precise manner, the limits which their sovereigns have assigned to their authority.

I am, &c.,

OTTO.

—o—

FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, July 3, 1786.

Sir,

On returning to town yesterday, I received the letter which you did me the honor to write on the 27th of last month.

I well remember our conversation on the subject of your letter of the 18th of April last; that I informed you Mr. Jefferson would be instructed to explain the reasons of the delay which had retarded the decision on the consular convention, and that I promised you to do whatever depended on me to bring that matter to a speedy conclusion.

Your letter of the 18th April was received on the 19th. It was transmitted by me to Congress the 21st; it was referred to me the 25th; I reported on it the 28th; and Mr. Jefferson's instructions were sent in my letter to him of the 5th May last.

Your letter, now before me, shall (as soon as it can be translated) be transmitted to his Excellency the President of Congress, and whatever answer they may be pleased to direct me to convey to you shall, without delay, be communicated.

I flatter myself that Mr. Jefferson will find no difficulty in assigning very satisfactory reasons to his most Christian Majesty for the delays in question; and I am persuaded that Congress will proceed to consider and terminate this affair with as much despatch as circumstances may permit.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, July 6, 1786.

Sir,

I did not receive the letter which you did me the honor to write to me the 3d of this month until my arrival here. I beg you to accept my thanks for the particulars which you have been so kind as to communicate respecting the ratification of our consular convention.

I have likewise received, sir, the information which you were pleased to give me of the ceremony that took place the 4th instant, although I had no notice of this till after my return to New York. I had intended to pay my respects on an occasion so solemn as that of the anniversary of American Independence; but, unfortunately, the Elizabethtown boat had sailed sooner than I expected. I purpose to present my excuses to-day to his Excellency the President of Congress, and I hope, sir, that you will be persuaded that, from principles of duty and sentiment, I am warmly interested in whatever regards the United States.

I left Governor Livingston and his family in perfect health; they charged me with a thousand tender compliments to you and Mrs. Jay.

I am, with respect, &c.,

OTTO.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, October 9, 1786.

Sir,

I take the earliest opportunity of informing your Excellency that Mr. Remsen, on reading the printed scheme of a consular convention, observed that it did not exactly correspond with the copy in this office. This circumstance led him to compare it with the original scheme in the Secretary's office. As the discovery of this omission rescues the 10th article of the convention from the charge of essential deviations from the 12th in the scheme, and as it shows the latter to be equally liable, with the former, to the objections made against it in my report, I think it my duty to enclose a note of this variation,

between the original scheme and the copy in this office, that Congress may have an opportunity of making any further order that they may think proper on the subject.

I confess that the *scheme* now appears to me more ineligible than I before thought it, though I am still of opinion that the only prudent way of getting over this unpleasant business is to conclude a convention similar even to the scheme as it *now* appears to be, and render its inconveniences temporary by an article limiting its duration.

With great respect and esteem, I have the honor to be, &c.,

JOHN JAY.

P. S. The French packet will sail the 15th instant.

Note of the difference between the 12th article of the scheme of the convention entered into in the year 1782, on the Journal belonging to the Office for Foreign Affairs, and the said article in the original scheme, recorded in the Secret Journal in the Secretary's office :

12th Article as in the Original Scheme.

They (Consuls and Vice Consuls) may cause to be arrested and sequestered every vessel carrying the flag of their respective nations, *and even send them back to France or the United States, as the case may be, as well as arrest any captain, master, seaman, or passenger of their respective nations.* They may cause to be arrested, and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom.

12th Article as in the Office Copy.

They (Consuls and Vice Consuls) may cause to be arrested and sequestered every vessel carrying the flag of their respective nations. They may cause to be arrested, and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom.

The *scored (italicised)* lines shew where the copy which Mr. Jay used when he made his report on the consular convention deviates from the original.

N. B. There were in that copy several other variations from the original, to the number of twenty in the whole, all of which are now corrected; but as none of them except the abovementioned materially affect Mr. Jay's report, it is not thought necessary to enumerate them in this note.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 9, 1786.

Sir,

I take the liberty to request of you a communication of the resolution which Congress have taken concerning the consular convention. As that resolution has been taken in consequence of a note, which I have had the honor to send to the United States by order of his Majesty, it appears proper that I transmit to my Court the determination which that assembly has been pleased to take. I shall be much obliged to you for this new proof of your goodness.

I am, with respect, &c.,

OTTO.

FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, October 12, 1786.

Sir,

On receiving the letter you did me the honor to write on the 9th instant, I immediately communicated it to Congress, and, in obedience to their order, I have now the honor of informing you, "that as their communications to his most Christian Majesty will be officially made by their Minister resident at his Court, they do not think it necessary to accept your polite offer of conveying any they may direct concerning the consular convention."

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 23, 1786.

Sir,

I have the honor to address to you a letter which his Majesty charges me to present to the United States assembled in Congress, to acquaint them with the birth of a princess. The new assurances of affection entertained in that letter, cannot fail of being agreeable to the United States. They correspond so well with all the orders

I have received since I have had the honor to manage the affairs of the King in America, that I have reason to think myself happy to have been charged with transmitting them.

I have the honor to be, &c.,

OTTO.

FROM THE KING OF FRANCE TO CONGRESS.

Translation.

To our very dear great Friends and Allies, the President and Members of the General Congress of the United States of North America :

Very dear great Friends and Allies, we are well convinced that you will participate in the satisfaction we derive from the happy delivery of the Queen, our very dear spouse, of a princess. The entire confidence we place in the sentiments, of which we flatter ourselves you will renew the evidence on this occasion, answer to you for the desire we shall always have to give you more and more proofs of our affection, and of our constant friendship for you ; wherefore, we pray God to keep you, *very dear great Friends and Allies*, in His holy protection. Written at Versailles, the 9th July, 1786.

Your good Friend and Ally,

LOUIS.

GRAVIER DE VERGENNES.

FROM JOHN JAY TO MONSIEUR OTTO.

New York, December 18, 1786.

Sir,

The letter from his most Christian Majesty to Congress, which I had the honor of receiving, enclosed with yours to me of the 23d October, was immediately laid before Congress. The absence of the members, occasioned by their annual election and other circumstances, did not admit of conveying their answer by the last packet. As soon as a sufficient number of States shall be represented, I am persuaded they will be happy to embrace the earliest opportunity of congratulating his Majesty on the birth of the princess, and assuring

him of the pleasure they derive from that and every other event that can add to the happiness of himself and family.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, December 21, 1786.

Sir,

I have received the letter which you did me the honor to write on the 18th of this month. However long may be the delay attending the answer which Congress purpose to make to the letter of the King, his Majesty will never have room to doubt the sincerity of the sentiments of which that assembly have so often given him proofs, and of which you are pleased to give me fresh assurances.

Several members of Congress having inquired of me, with a degree of earnestness, whether the news concerning the pretended exchange with Spain, in the southern part of this continent, was well founded, I cannot answer that question better than by communicating to you the following passage, in a despatch from the Count De Vergennes, of the 25th August last: "The exchange of Louisiana for a French possession in the West Indies, has never been in question. And if anything should be again said of it, you will be pleased to deny it formally."

I am, with respect, &c.,

OTTO.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 23, 1786.

Sir,

I have the honor to address to you the subjoined extract of the despatch from M. the Count De Vergennes, of which I had the honor to speak to you. The gazettes mentioned in this extract contain many articles by which it is insinuated that we have a great interest to excite the Barbary Powers against the United States. The licea-

tiousness of the public papers might be prejudicial to the good correspondence which so happily subsists between the two nations, if the reports of the public officers did not make known the true sentiments and moderation of the respective Powers.

I have the honor to be, &c.,

OTTO.

EXTRACT OF A LETTER FROM MONSIEUR THE COUNT DE VERGENNES
TO MONSIEUR OTTO, OF AUGUST 25, 1786.

Translation.

“You can assure the Congress that the King will seize with eagerness all occasions to facilitate their good intelligence with the Barbary Powers. This assembly without doubt have been informed of the support that his Majesty affords to the American Commissioners who negotiate at Algiers and at Morocco; the treaty which has been recently signed with this last Power, and which will probably be published in America, will be the best refutation of the suspicions which many public papers are willing to inspire against our system of policy.”

FROM JOHN JAY TO MONSIEUR OTTO.

New York, November 2, 1786.

Sir,

Permit me to introduce to you the bearer, Colonel Talbot, a gentleman greatly distinguished by gallant actions during the late war. He has two sons whom he wishes to educate for the sea, and to place on board a French vessel, under the orders and direction of some officer of merit. Various reasons induce him to prefer one of the King's packets. He is desirous to know whether his sons could be received on board, and if so, requests to be favored with your advice on the occasion.

It is natural to presume that young Americans brought up under French officers will have a predilection for the French nation, and I am persuaded that you concur with me in wishing to promote the most friendly intercourse and connexion between our two countries.

I have the honor to be, &c.,

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 3, 1786.

Sir,

I received the letter which you did me the honor to write me, recommending the sons of Mr. Talbot, a distinguished officer in the service of the United States. I instantly conferred with M. de la Forêt on the subject, who is particularly charged with everything relating to the Marine. It appears that since the new ordinance there will be certain difficulties to surmount, either because there is no regulation as to the admission of strangers into the King's service, or because this ordinance expressly fixes the age of sixteen for volunteers. We flatter ourselves, however, that we shall be able to second your views respecting Mr. Talbot's sons; and though it is impossible to fix them immediately on board his Majesty's packets, we will ask permission from the Minister directly, which must, however, occasion a delay of five or six months.

I entirely coincide, sir, with your remarks in support of your request. It is essential to facilitate more and more the connexions between the two nations, and nothing can more contribute towards this than reciprocally to admit the subjects of each nation into sea or land service.

I am, &c.,

OTTO.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, May 20, 1787.

Sir,

I have the honor to send you herewith a copy of a letter from the Count de Montmorin, accompanied with another letter written to him by the Marshal de Castries, on the subject of Colonel Talbot's request. It is with the greatest satisfaction I find that the new Minister is no less disposed than Count de Vergennes was to render himself agreeable to the United States by every good office, and that he is particularly disposed to be serviceable to such of your fellow-citizens as have the advantage of being countenanced by you.

I have already advised with Colonel Talbot as to the least expensive mode of sending his sons to France, and I hope that he will be perfectly satisfied with our measures on that head.

I am, &c.,

OTTO.

FROM THE COUNT DE MONTMORIN TO MONSIEUR OTTO.

Translation.

Versailles, March 21, 1787.

Sir,

You addressed a letter the 4th of November to the Count de Vergennes from Mr. Jay, who supported with his recommendation Colonel Talbot's desire of entering his two sons on board his Majesty's Navy in quality of volunteers. The Marshal de Castries, to whom I communicated this request, sent me the answer of which you have a copy herewith; you will be pleased to communicate it to Mr. Jay. He will assuredly see with satisfaction that the dispositions of the Marshal de Castries are as he wishes.

FROM THE MARSHAL DE CASTRIES TO THE COUNT DE MONTMORIN.

Versailles, February 26, 1787.

The services which Colonel Talbot, an American Colonel, rendered to one of our squadrons during the last war, lead me to second his wishes to procure a berth for two of his sons in his Majesty's navy. These young people can come to one of the ports in France, and when I shall be informed of their arrival I will give orders for their being employed in the capacity of volunteers of the third class, relieving them, on account of a particular regard for the friendly Power whose subjects they are, and on account of the attachment their father has shewn to France, from the previous formalities and conditions prescribed by the ordinance for arriving to this grade. I beg that you will let Colonel Talbot know of this disposition through Mr. Otto, Chargé d'Affaires for France to the United States.

FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 4, 1788.

Sir,

My health being considerably reëstablished, I have the pleasure of addressing to you the annexed copy of my letter of credence in quality of Minister Plenipotentiary of his Majesty to the Congress of the United States. I request the favor of you to communicate it to that assembly, to the end that they may fix a day which shall appear to them the most convenient to give me a public audience.

I greatly regret, sir, that the fatigues of a long voyage have retarded the request which I have the honor now to make to you. I dare to flatter myself that the United States will not be the less convinced of the zeal which animates me, and of the sincerity of the assurances of friendship which I shall give them, in the name of his Majesty.

I ought to suppose, sir, that on this occasion the same ceremonial will be followed which was observed at the reception of my predecessors, but as I have not received any official communication on this subject, I request the favor of you previously to communicate to me the intentions of Congress.

I have the honor to be, &c.,

THE COUNT DE MOUSTIER.



REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, February 12, 1788.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 4th instant, from the Count de Moustier, enclosing a copy of his letter of credence, requesting that a day be fixed for his *public* audience, and intimating an expectation that the ceremonial will be the same as in the cases of his predecessors, reports :

That in his opinion it would be proper to name as early a day as may consist with the convenience of Congress, for receiving the Count.

That he has perused and considered the ceremonials heretofore used on such occasions, and that they appear to him to put much less distinction between an Ambassador and a Minister than the laws and actual practice of civilized nations have established.

That considering the past and present state of American affairs, he thinks it might not be so advisable to correct mistakes relative to matters of ceremony and etiquette at this period, as when the proposed plan of government shall begin to operate. He, therefore, is of the opinion that it would be best to receive this Minister in the same manner as his predecessor and the Dutch Minister were received.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 4, 1788.

Sir,

I have the honor of addressing to you the annexed copy of a letter of the recall of the Chevalier de la Luzerne, my predecessor, with a letter which that Minister has written, by order of his Majesty, to the President of Congress, to take leave. I hope the expressions of friendship and affection contained in those pieces will be agreeable to the United States.

I have the honor to be, &c.,

THE COUNT DE MOUSTIER.



FROM THE KING OF FRANCE TO THE CONGRESS OF THE UNITED STATES.

Translation.

Very dear great Friends and Allies,

The Chevalier de la Luzerne having terminated the time which we had fixed for his residence with you in quality of our Minister Plenipotentiary, we have ordered him to take leave of you by

writing. The prudent and enlightened conduct which he constantly observed during the course of his mission, add to the proofs which he had before given us of his zeal for our service. We are persuaded he will equally, to our satisfaction, acquit himself of the order we have given him to assure you, in terms the most expressive, of our affection, and of our sincere friendship for you. He cannot too strongly paint to you the lively interest which we take in the prosperity of the United States in general, and in that of each of them in particular. On this we pray God that He will have you, very dear great Friends and Allies, in His holy keeping.

Done at Versailles, the 30th September, 1787.

Your good Friend and Ally,

LOUIS.

COUNT DE MONTMORIN.

FROM THE CHEVALIER DE LA LUZERNE TO THE PRESIDENT OF CONGRESS.

Translation.

Paris, 1787.

The King having thought proper to destine me to another service than that of Minister Plenipotentiary near Congress, I have the honor of addressing to you my letter of recall, and of requesting that it may be presented to that assembly.

The advantage which I enjoyed for six years, of negotiating upon the greatest and most important affairs with Congress, an intimate knowledge of those great statesmen and patriots, who successively composed that illustrious body, are sure guarantees of the respect and admiration which I entertain for them.

I shall never forget that the most pleasing moments of my life have been those when charged with the management of the interests of the two great allies, I have been so fortunate as to see constantly the most perfect confidence and harmony prevail. Prosperity as well as adversity have served to bind still closer the ties of our union founded on justice; and what has perhaps never happened before in an alliance of this nature, not for a single moment has a coolness or uneasiness existed; but it has been crowned by the most brilliant, the most glorious, and the most useful of revolutions. Never shall I forget the marks of personal confidence which I have received from

Congress on various occasions. Absent from them I console myself with the reflection that my successor, by his zeal and talents, will easily place my feeble services in oblivion.

Condescend, sir, to be the interpreter of my sentiments to that illustrious assembly over which you preside. My unceasing prayers shall henceforth be offered up for a nation whose firmness and patriotism have caused the admiration of the universe.

Accept, sir, individually, &c.,

DE LA LUZERNE.



REPORT OF JOHN JAY ON THE LETTER OF THE CHEVALIER DE LA
LUZERNE.

Office for Foreign Affairs, March 13, 1788.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the — day of —, 1787, from the Chevalier de la Luzerne to his Excellency the President of Congress, reports :

That in his opinion it would be proper that he should write to the Chevalier a letter of the following tenor :

“Sir,

“His Excellency the President laid before Congress your letter of recall, together with the one that enclosed it ; and I have the honor, in obedience to their orders, to assure you that had you resumed your former *place* near them, you would have received fresh and continued marks of that esteem with which the manner in which you fulfilled the duties of it very early impressed them. They have heard with pleasure of the recent and honorable proof which the King has given you of his confidence ; and as your attachment and services to this country will always be remembered, so you will always have the best wishes of Congress that success and prosperity may attend you to every station to which your distinguished merit and talents may induce the King to call you.”

All which is submitted to the wisdom of Congress.

JOHN JAY.

Office for Foreign Affairs, May 30, 1788.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred two letters from his most Christian Majesty, dated the 30th September last, reports :

That in his opinion the following answers to them would be proper, viz :

“Great and beloved Friend and Ally,

“The conduct of your Majesty’s Minister, the Chevalier de la Luzerne, during his residence with us was commendable and satisfactory, and it gives us pleasure to assure you that we entertain a high opinion of his merit. The manner in which, by his Majesty’s order, he has taken leave of us manifests his attention to your dignity and interests, and affords strong evidence of his attachment to the prosperity and happiness of these States. We pray God to have you, our great and beloved friend and ally, in His holy keeping.

“Written at New York, the — day of — by your good friends the United States of America in Congress assembled.”

“Great and beloved Friend and Ally,

“The choice you have been pleased to make of the Count de Moustier to succeed the Chevalier de la Luzerne is perfectly agreeable to us. We flatter ourselves that he will with equal zeal and ability, with his predecessor, endeavor to promote and reconcile the essential interests of both countries, and study to preserve and increase the mutual attachment and intercourse which happily subsists between them.

“We receive with great pleasure the kind and explicit assurances of friendship contained in your Majesty’s letter of the 30th September last ; a long series of important good offices have afforded us ample proofs of it, and we cannot omit this occasion of conveying to you our sincere acknowledgments for the recent marks exhibited in the commercial favors you have lately been pleased to confer on the United States. We pray God to have you, our great and beloved friend and ally, in His holy keeping.

“Written at New York, the — day of — by your good friends the United States of America in Congress assembled.”

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

Tuesday, February 19, 1788.

The Count De Moustier having just received an invitation from the President of Congress to dine with him on Tuesday, the 19th, presumes it means this very day, which he has also accidentally heard has been fixed on by Congress for his audience. As it is not to be supposed that he can be instructed on this head but through Mr. Jay, and by his answer to the letter which he had the honor of writing him the 4th instant, he requests that he will be pleased to communicate to him the resolution of Congress, that he may regulate himself accordingly. Fearing lest he should receive information too late, he may not be able to obtain certain *éclaircissements* that may be necessary for him, and which he cannot be acquainted with.



FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, February 19, 1788.

Sir,

On receiving the letter which you did me the honor to write on the 4th instant, I immediately communicated it, together with the paper it enclosed, to Congress. I have now the pleasure to inform you that they have been pleased to order that you be received and admitted to a public audience on Tuesday, the 26th of this month, at twelve o'clock; and that the ceremonial be such as you will find detailed in the paper herewith enclosed.

I have the honor to be, &c.,

JOHN JAY.

*Extract from the Journal.*

February 14, 1788.

The Secretary for Foreign Affairs having transmitted to Congress a letter from the Count De Moustier, together with a copy of a letter of credence, by which it appears that his most Christian Majesty

has appointed the Count to succeed the Chevalier de la Luzerne in quality of his Minister Plenipotentiary to the United States of America; and the said Minister having requested that this may be communicated to Congress that they may fix a day which shall appear to them the most convenient to give him a public audience,

Resolved, That the said Count de Moustier be received as Minister Plenipotentiary from his most Christian Majesty, and that agreeably to his request he be admitted to a public audience on Tuesday, the 26th of the present month, in the room where Congress assembles.

Ordered, That the Secretary for Foreign Affairs inform the honorable the Minister of the United Netherlands, and his Catholic Majesty's Encargado de Negocios of the public audience to be given to the honorable the Minister Plenipotentiary of his most Christian Majesty.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 20, 1788.

Sir,

I have received the letter which you did me the honor to write me, informing me of the resolution which Congress have been pleased to take the 14th of this month relative to my public audience.

In consequence of the mode prescribed by the ceremonial, which you have taken the trouble to communicate to me, I enclose herewith the speech which I propose to make at the time of my reception.

I have the honor to be, &c.,

LE COUNT DE MOUSTIER.



SPEECH OF THE COUNT DE MOUSTIER.

Gentlemen of Congress,

The relations of friendship and affection which subsist between the King, my master, and the United States, have been established on a basis which cannot but daily acquire a new degree of solidity.

It is satisfactory to be mutually convinced that an alliance formed for obtaining a glorious peace, after efforts directed by the greatest wisdom and sustained with admirable constancy, must always be conformable to the common interests, and that it is a fruitful source of infinite advantages to both nations, whose mutual confidence and intercourse will increase in proportion as they become better known to each other.

The King, who was the first to connect himself with the United States, as a sovereign power, to second their efforts and favor their interests, has never ceased, since that memorable period, to turn his attention to the means of proving to them his affection. This sentiment directs the prayers which his Majesty forms for their prosperity. Their success will always interest him sensibly, and there is reason to hope for it from the wisdom of the measures which they will adopt.

To this solemn assurance of interest and attachment on the part of the King, to the unanimous sentiment of the nation, and to the fervent wishes of a great number of my countrymen who have had the advantage to be associated in the military toils and success of the United States, permit me to add those which I, in particular, entertain for the growth and glory of these States. I at length enjoy the satisfaction of having it in my power here to testify the profound veneration with which I have been constantly penetrated for a people who have been able to fix, from their birth, the attention of the most considerable Powers in Europe, and whose courage and patriotism have astonished all nations. My happiness will be complete, gentlemen, if I succeed, by my zeal and most constant cares, to merit your esteem, your confidence, and your approbation.

The task which I have to accomplish appears to me to be the more difficult, as in succeeding a Minister who held a place near you, gentlemen, with which I am now honored, I am far from enjoying the advantages which he derived from his talents, his knowledge, and those circumstances which placed him in the most intimate relations with you. I will endeavor to resemble him, at least, by the greatest attention to promote and give success to whatever may contribute to the satisfaction, the glory, and the prosperity of the United States.

THE COUNT DE MOUSTIER.

REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, February 21, 1788.

The Secretary of the United States for the Department of Foreign Affairs, having received a copy of the speech which Count de Moustier purposes to make on Tuesday, the 26th February instant, reported the following answer to it, viz :

“ Sir,

“ It will always give us pleasure to acknowledge the friendship and important good offices which we have experienced from his most Christian Majesty and your generous nation ; and we flatter ourselves that the same principles of magnanimity and regard to mutual convenience which dictated the connexion between us, will continue to operate, and to render them still more extensive in their benefits to the two countries.

“ We consider the alliance as involving engagements highly interesting to both parties, and we are persuaded that they will be observed with entire and mutual good faith.

“ We are happy in being so explicitly assured of the continuance of his Majesty’s friendship and attachment, and in this opportunity of expressing the high sense we entertain of their sincerity and value. It is with real satisfaction, sir, that we receive you as Minister Plenipotentiary ; especially as your character gives us reason to expect that the harmony and interests of both nations will not be less promoted by your talents, candor, and liberality, than they were by those which distinguished your predecessor, and recommended him to our esteem and regard.”

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, May 23, 1788.

Sir,

I have the honor to send you herewith a note, which, considering the importance of its contents, I must request you will immediately lay before Congress, so that that assembly may have time to take it

into consideration before the departure of the packet, which is fixed for the 10th of next month, and to send Mr. Jefferson such instructions as they may judge proper.

I have the honor to be, &c.,

THE COUNT DE MOUSTIER.

NOTE.—[Translation.]

The undersigned, Minister Plenipotentiary of France, has the honor of informing the United States in Congress assembled, that he has received an order from his Court to demand the delivery of a French captain, who has been guilty of a crime, the punishment of which is equally interesting to every commercial nation.

Joseph Marie Anne Ferrier, a native of Cette, in Languedoc, commanding the brig *David*, was despatched from the Cape, in the Island of St. Domingo, for Nantz, the 1st July, 1787, with a cargo of one hundred thousand pounds weight of coffee belonging to different persons. Under pretence of some leaks which were discovered in his vessel, he directed his course for Norfolk, in Virginia, where he arrived the 26th of the same month.

The Sieur Oster, the King's Vice Consul, having gone on board to visit the vessel and appoint inspectors, in order to prove her condition, in conformity with his Majesty's ordinances, found, from the depositions of some passengers, that the said Ferrier had not intended to go to France, as he had only taken in provisions for fifteen days; that the evening before he left the Cape, he clandestinely sold a part of his cargo; that, in order for a pretext to stop at Virginia, and there sell his vessel, he had several leaks made on purpose in the hold, by which twelve thousand pounds of coffee were damaged, which the Sieur Oster was obliged to order to be sold at auction; that he had wickedly thrown overboard an anchor of seven hundred and fifty pounds, and a large cable of one hundred and twenty fathoms, some topmasts, and other things belonging to his brig. In short, to conceal his misdemeanors, he kept at sea a false journal, which he signed himself, and caused his mate and crew to do the same, in order to make it appear that he had been obliged to renounce his voyage to Nantz, and stop at the Chesapeake.

Captain Ferrier being informed of these depositions, and fearing

the consequences of his crime, deserted with his mate and the other accomplices, but he was taken by the inhabitants and brought back to the *Sieur Oster*, who sent him prisoner on board the French ship the *Jason*, after permission obtained from the Mayor of Norfolk. The culprit underwent an examination on the 6th December, and confessed the crime of which he was accused. The process being finished, the *Sieur Oster* called an assembly of the merchants belonging to his nation, in which it was resolved that Ferrier should be sent to Nantz, to be judged by the officers of the admiralty. He wrote, at the same time, to the Governor of Virginia, giving him an account of all these particulars, and requesting the consent of the Council to send the said Ferrier to France in the vessel which he had commanded. He received no answer to this letter, which was dated the 2d October, copy of which (No. 1.) is annexed; but on the 7th November a sheriff went on board the French ship with a writ to arrest the said Ferrier as a debtor for fifty pounds to a *Frenchman*, resident at Norfolk. The criminal was accordingly liberated, after giving bail to appear at the first county court. The *Sieur Oster* wrote a second time to the Governor, complaining of this irregular procedure, and reclaiming not only the captain, but the other criminals. He received no answer but the ones annexed, (Nos. 2, 3.)

After these particulars, the undersigned has the honor to represent, that it is very surprising that, notwithstanding the official information which had been given the 2d October concerning the crimes of which Captain Ferrier had been convicted, he should be liberated the 7th November under pretence of a civil action of fifty pounds; that, condemned in irons, on board a French vessel, by the Consul of his nation, and with the consent of the Mayor of Norfolk, he was taken away on a suit brought by a *Frenchman*, who ought to have acknowledged the jurisdiction and authority of his Consul, but who very likely was in concert with the criminal to effect his escape; in short, that the magistrates have facilitated this escape, without any regard to the complaints which were made by his Majesty's Vice Consul, a conduct the more extraordinary as by a law of 1779 the State of Virginia authorizes the Consuls of Powers which have acknowledged the independence of the United States to claim the deserters from the vessels of their nations, to judge differences between their subjects agreeably to the laws of the country, and to

execute their sentences, provided they do not pronounce corporal punishment. It was in consequence of this law that the *Sieur Oster* obtained full and entire satisfaction in August, 1784, in a case similar to the one in question.

But even were this Vice Consul unsupported by any particular law, he might found his claim on the common rights of nations, on the mutual ties between allied Powers, on the treaty of commerce, and the consular convention, which was the consequence of it, on the procedure which took place in a similar case in 1784, on the reciprocity invariably established in France, on the interests of every commercial nation, that a crime of this nature should not remain unpunished; in short, on the dignity of Virginia, which would be particularly exposed, if one could suspect that State of encouraging and protecting villains proscribed by the laws of every civilized nation.

In consequence of these observations, the undersigned, Minister, has received orders to claim the criminal, and if by a connivance, which is not very likely, and which would be very wide of the principles of justice and moderation which Virginia has so often displayed, Captain Ferrier has found means of escaping, he demands to be informed of the motives that determined the magistrates to pay no respect to the well founded and pressing claims of the Vice Consul of France, and to elude not only the law which was passed in 1779, but the principles which form the basis of every consular establishment, which are formally adopted by the convention between his Majesty and the United States, signed by the respective Plenipotentiaries, and which have been hitherto religiously observed in the Kingdom with respect to the citizens of the United States.

The undersigned, Minister, has the honor of reminding, on this occasion, the United States in Congress assembled, agreeably to an express order received from his Court, of the necessity of concluding, as speedily as possible, the last formalities, which may have been neglected, in order to give every suitable effect to the aforesaid convention, and to represent to them the propriety of giving definitive instructions on this head to their Minister Plenipotentiary near his Majesty.

The interest which the King has always taken in the prosperity of the commerce between the Kingdom and the United States, is manifested on every occasion too evidently for his Majesty not to

expect on their part every necessary step to secure a perfect reciprocity, the only solid basis on which the advantages granted by his Majesty to the commerce of the United States can exist.

THE COUNT DE MOUSTIER.

New York, May 28, 1788.

COPY OF THE FIRST LETTER WRITTEN BY MONSIEUR OSTER, THE KING'S VICE CONSUL, TO MR. RANDOLPH, GOVERNOR OF VIRGINIA, REFERRED TO AS NO. 1.

Translation.

Norfolk, October 2, 1787.

Sir,

I have the honor to inform your Excellency that on the 26th July last there entered this port the brig *David*, Captain Joseph Marie Anne Ferrier, of the city of Cette, in Languedoc, under pretence of distress, and that on examination of the conduct of the captain by myself, he being now in my power, as also from the depositions made in my presence, it appears, and is proved :

That Captain Ferrier sailed the first July last, from the Cape for Nantz, with a cargo on freight of above one hundred thousand pounds weight of coffee, belonging to different persons ;

That he had but fifteen days' provisions for his passage, which evidently proves that it was not his intention to go to the place of his destination ;

That the evening before his departure from the Cape, whilst in the road, he sold and clandestinely delivered in the night a great part of his cargo ;

That a few days after he also sold at sea another part of his cargo to a captain of a sloop, which followed him, and with whom he had agreed at the Cape ;

That to accomplish this collusion, he, together with his mate, named *Bastard*, corrupted the crew, and forced a passenger to participate in his robbery ;

That to excuse his stopping, and to cause damage, in order to oblige his vessel to be sold, he made two leaks, one in the hold, and the other in the gun-room, which occasioned forty inches water, and

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damaged twelve thousand pounds of coffee, which I ordered to be sold at public sale, in order to avoid a total loss ;

That in order to give a better appearance to his fraudulent and affected stopping, he wickedly threw into the sea an anchor of seven hundred and fifty pounds, a large cable of one hundred and twenty fathoms, topmasts, yards, and a quantity of other things belonging to his brig ;

And, in short, to cover his misconduct with some show of speciousness, he kept at sea two journals, the one true, the other false, and he also fabricated a false verbal process, which he dared to affirm as true, and signed it, and caused it to be signed by his crew, with intent to prove that he had been obliged to renounce his voyage to Nantz, and to put in wherever he could.

All these facts being authentically proved, I propose, sir, with your Excellency's consent, to send the criminal to France, in his own vessel, with the instructions of his process agreeably to the ordinances, to be judged according to the exigency of the case by the officers of the admiralty of Nantz, where the vessel will be discharged.

As the sending of him away ought immediately to take place, as also the punishment of his crime being necessary for the support of good order and the public confidence, I hope that your Excellency and the honorable Council will approve of the same, and that you will be pleased, sir, to acknowledge as soon as possible the receipt of this letter.

The following persons, having been Captain Ferrier's accomplices, viz : Joseph Bastard, Joseph Grance, Louis Borniche, Jean Marie Jouy, Noel Kequelay, Jean Aubert, Jean La Pierre, Jean Jacques, and Jean Claude Martel, all composing the crew of the brig David, from which they have deserted, and the duty of my office compelling me to seize all the abettors if possible, I must request your Excellency to grant me the necessary order, or warrant, for the purpose of apprehending them, by means of constables or other officers of justice belonging to the State. If nothing, as I conceive, prevents the granting of this order to me, I must earnestly request, sir, that you will be kind enough to send it to me as soon as it shall be made out. It will particularly serve to justify my diligence.

I have the honor to be, &c.

COPY OF THE SECOND LETTER FROM MONSIEUR OSTER, THE VICE
CONSUL OF FRANCE, TO THE GOVERNOR OF VIRGINIA.—No. 2.

Translation.

Norfolk, November 11, 1787.

Sir,

The 2d of last month I had the honor of giving you an account of the motives which determined me to act with severity against a French captain named Joseph Marie Anne Ferrier; and as this criminal had accomplices, that it was my duty to search them out. I, at the same time, requested that your Excellency would be pleased to grant me the necessary orders to claim them, and arrest them in whatever district of the State they might be found.

My letter to your Excellency on this subject being still unanswered—not knowing whether the honorable Council have any reasons why they should not grant my request—and it being necessary, on this occasion, to justify my conduct, I once more take the liberty, sir, to request that you will be so good as to grant me the order mentioned in my aforesaid letter; and if there is no objection against its being made out for me, I beg that you will include therein Captain Ferrier, who was taken from his prison by surprise, and liberated, the 7th instant, by virtue of a simple writ, obtained by a person called Breton, on an ill-founded claim for fifty pounds.

This surprise having happened on board a French vessel, and through a frivolous pretext, it cannot be dissembled that it is absolutely contrary to good order, to the confidence and security of commerce, which nations, closely united by solemn treaties, are interested in supporting and encouraging in their respective possessions. It is accordingly in consequence of these principles that, in quality of his Majesty's Vice Consul in the republic of Virginia, I take the first opportunity of complaining to your Excellency on this subject, and of claiming, in the strongest terms, your good offices and authority, that, on such occasions in future, measures may be adopted as will not counteract the functions entrusted to me respecting the French subjects depending on my vice consulate, and particularly such as are criminal and within my power, as was Captain Ferrier.

Agreeably to all publications on the subject of the rights of nations allied in a double point of view, such as France and the United

States happily are, Captain Ferrier ought never to have been entirely withdrawn from under my dependence. As a criminal, and publicly acknowledged such, the sheriff who took him, instead of giving him his liberty with bail, and without any particular reason, ought to have held him a prisoner in the prison of the country, and to have kept him there until he had satisfied his engagements, and afterwards returned him to me. This officer should the rather have acted in this manner as he knew that I had obtained permission from the chief magistrate in Norfolk to apprehend the criminal.

This opinion, which arises from the principles of that justice which nations ought to cultivate, and which is the basis of all society, as well as the safest bond of commerce, I am persuaded that your Excellency will think so likewise, and grant that, without this virtue, which ought to be respected, human society would degenerate to a band of ruffians.

Such, sir, are the reasons on which I found the claim which I take the liberty of now making on your authority and influence, in order to prevent, in future, through frivolous pretexts, that the law respecting debtors be not used in favor of French transgressors, who shall be found amenable to the ordinances of his Majesty, without infringing those of the republic over which you with so much wisdom preside.

I have the honor, &c.

FROM GOVERNOR RANDOLPH TO MONSIEUR OSTER, VICE CONSUL OF FRANCE.

Richmond, November 22, 1787.

Sir,

As soon as the Council had decided on your application of the 2d ultimo, for aid in the execution of your authority upon a French subject charged with an offence against the laws of France, I did myself the honor, *by a private hand*, of informing you of the result. I now find, by your letter of the 11th instant, received late last evening, that my letter had not reached you. I therefore now repeat that it is the opinion of the Executive that they cannot*interfere or lend assistance in the case which you mentioned. This opinion proceeds not from any disinclination to support the consular power, but from

the *fixed principle* of our Government that no authority can be exercised by any body of men to whom it has not been duly delegated. The only law existing on this subject is one passed in 1780, and of which you have a full knowledge. I must, therefore, refer you to it, and doubt not that you will discover from thence that it would not justify us in granting the process which you wish.

Extract of a Law of the State of Virginia, entitled An Act for the Protection and Encouragement of the Commerce of such Powers as have acknowledged the Independence of the United States of America.—October, 1779.

“It shall be lawful for the said Consul to take cognizance of *all differences, controversies, and litigations arising between subjects or citizens of his own State only, and finally to determine and compose them according to such rules or laws as he shall think fit, and such determinations to carry into execution.* And where he shall require aid for executing the same, it shall be lawful for the Governor, with the advice of the Council of State, using their discretion therein, to order any sheriff within his own county, or any military officer whatsoever, to execute, or to aid and assist in executing, any such determination; *provided the same does not extend to life or limb of the offender.* Where any sailor, seaman, or marine, belonging to any vessel of such State within this Commonwealth shall desert or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman, or marine, notwithstanding they may in the meanwhile have been naturalized in this Commonwealth; and any justice of the peace to whom the master shall apply shall grant his warrant for taking and conveying such sailor, seaman, or marine, from constable to constable, to the said vessel; or *on application from the Consul, the Governor, with the advice of the Council of State, may issue such orders to any sheriff, constable, or military officer, who shall yield due obedience thereto.*”

FROM JOHN JAY TO THE MINISTER PLENIPOTENTIARY OF FRANCE.

New York, May 29, 1788.

Sir,

I have received the letter you did me the honor to write yesterday. As soon as the papers which accompanied it can be translated they

shall be laid before Congress, and nothing on my part shall be omitted to expedite the business they respect.

I have the honor to be, &c.,

JOHN JAY.

REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, June 6, 1788.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a note from the Minister Plenipotentiary of France, dated the 28th May, with the paper that accompanied it, reports:

That this note, for the facts and reasons therein set forth, contains a requisition that Joseph Marie Anne Ferrier, a Frenchman, now in the Commonwealth of Virginia, be delivered to the orders of his most Christian Majesty; and this note also urges Congress to ratify the consular convention heretofore concluded in behalf of the two countries by their respective Ministers.

With respect to the requisition, your Secretary is of opinion, as the facts and circumstances alleged in the note are so stated as at least to imply a complaint against the Executive of Virginia, that a copy of the said note, and of the papers which accompanied it, should, previous to any other steps or measures, be transmitted to his Excellency the Governor of that Commonwealth, and that he be requested to communicate to Congress such information on the subject as may appear to him proper and necessary.

With respect to the consular convention, it does not seem necessary that any further communication relative to it be made to the Minister, than that instructions on that head have been given to Mr. Jefferson.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN JAY TO THE GOVERNOR OF VIRGINIA.

Office for Foreign Affairs, June 13, 1788.

Sir,

In pursuance of the orders of Congress I have the honor of transmitting to your Excellency, herewith enclosed, copies of a note from the Minister of France, dated the 28th ultimo, and of the papers

which accompanied it, to the end that you may communicate to Congress the necessary information on the subject. I am also directed to signify to your Excellency that it is the sense of Congress that Joseph Marie Anne Ferrier, mentioned in the said note, ought to be apprehended in order to be dealt with according to the nature of the case.

With sentiments of esteem and respect, &c.,

JOHN JAY.

Extract from the Secret Journal of Foreign Affairs, June 13th, 1788.

"The committee, consisting of Mr. Hamilton, Mr. Dane, Mr. Dayton, Mr. Oüs, and Mr. Carrington, to whom was referred a report of the Secretary for Foreign Affairs on a note from the Minister Plenipotentiary of France, of the 28th May, report,

"That it appears by the said note and the papers which accompany it, that the person mentioned therein, to wit: Joseph Marie Anne Ferrier, commander of the brig David, is, in substance, charged with betraying his trust, and running away with a cargo of coffee; that the execution of his design is alleged to have been begun at the Cape, continued by certain acts on the high seas, and completed in the Commonwealth of Virginia: Whereupon,

"*Resolved*, That the Secretary for Foreign Affairs be, and he is hereby, directed to transmit the said note of the Minister Plenipotentiary of France, of the 28th May last, to the Executive of the Commonwealth of Virginia, to the end that the said Executive may communicate to Congress the necessary information on the subject; and also to signify to the said Executive that it is the sense of Congress that the said Joseph Marie Anne Ferrier ought to be apprehended in order to be dealt with according to the nature of the case; and that the said Secretary be, and is hereby, directed to inform the said Minister Plenipotentiary that instructions have already been given to the Minister of the United States at the Court of France concerning the consular convention referred to in his note."

FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, August 11, 1788.

Sir,

I have the honor to inform you that I am on the point of setting out on a journey, the duration of which I cannot foresee; and that

during my absence M. Otto will be charged with the affairs of his Majesty, as he was before my arrival in America. I request the favor of you to inform the Congress of it, and to give full confidence to the communications which he may make in that capacity. I have no doubt he will continue to merit the good opinion which that assembly may have already received of his zeal.

I have the honor to be, &c.,

THE COUNT DE MOUSTIER.

—o—

FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, August 12, 1788.

Sir,

I have received and communicated to Congress the letter which you did me the honor to write on the 11th instant; and with the best wishes that your proposed journey may conduce to your health and your pleasure,

I am, with great respect, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, October 16, 1788.

Sir,

Agreeably to my engagement, I have now the honor of transmitting to you, herewith enclosed, copies of the two letters from his Excellency the Governor of Virginia, of the 30th June and 2d July, and of the papers referred to in the letter relative to the case of Ferrier.

With great respect, &c.,

JOHN JAY.

—o—

FROM GOVERNOR RANDOLPH TO JOHN JAY.

Richmond, June 30, 1788.

Sir,

Your favor of the 13th June came to hand the night before last only. I could not answer it without advising with the Council of State, which did not assemble until to-day. It is our purpose to give

the Count de Moustier every satisfactory information in our power; and, therefore, have adjourned the further consideration of his note until Wednesday. But in the mean time I cannot help expressing a wish that the consular convention, to which the Minister alludes, had been communicated to us, if it existed. If we had contravened that compact, we have erred unknowingly, this being the first time that we have ever heard of its completion.

I have the honor, &c.,

EDM: RANDOLPH.



FROM GOVERNOR RANDOLPH TO JOHN JAY.

Richmond, July 2, 1788.

Sir,

The Executive of Virginia have reviewed every instance of their intercourse with the representatives and subjects of his most Christian Majesty. But after the most accurate and unbiased enquiry, they are yet unable to discover in what respect their friendship for the great ally of the United States has justly been brought into suspicion. Judge then, sir, how much their sensibility has been roused, when they read the note of the Count de Moustier concerning Joseph Marie Anne Ferrier, intimating, in terms poignant, though polite, that positive laws, the common rights of nations, mutual ties between allied Powers, the treaty of commerce, a consular convention, and an established precedent, had been violated, to cover from punishment an enemy to human society. They will not, however, refuse an explanation of the motives by which they have been influenced.

It is still the firm opinion of the Executive that it transcended their powers to gratify M. Oster in his request of the 2d of October, and of the 11th November, 1787. Our constitution describes their functions to consist in "*the exercise of the executive powers of government, according to the laws of the Commonwealth;*" and forbids them, "*under any pretence, to exercise any power or prerogative by virtue of any law, statute, or custom of England*"—thus excluding implied powers. Our bill of rights, too, particularly, warns us in favor of liberty, by declaring that "*no man shall be deprived of it, except by the law of the land, or the judgment of his peers.*"

In no other law than that of October, 1779, (see No. 1.) do we

find even a glimpse of the authority the exertion of which has been solicited by the Vice Consul. But even under that act the Governor cannot order any sheriff or military officer whatsoever to arrest for an offence against the laws of France; and therefore could not command the arrest of Joseph Marie Anne Ferrier, in order that he might be transported for such a crime to France for trial. Nay, its context and language confine the interposition of the Executive to *determinations* of differences, controversies, and litigations arising between subjects or citizens of a foreign State, not extending to life or limb; and to the taking and conveying of a sailor, seaman, or marine to his vessel.

Could "*the mutual ties between allied Powers*" permit an unlimited indulgence of our respect to the wishes of his most Christian Majesty, or his Minister, we might, perhaps, have yielded to the importunities of M. Oster. But in the use of official discretion we are bound to discard considerations not warranted by duty. We are bound to deny every obligation not arising from the law of nations, the treaty of commerce, or some consular convention.

We shall not question the right of the Minister to demand Ferrier under the law of nations, although it is not, perhaps, indisputably certain that in every nation in Europe a demand of such a culprit would be obeyed. Nor shall we discuss the idea of an allegiance unalterably due from him to his Christian Majesty, and a perpetual amenability to his edicts; although the genius of our Government seems not to distinguish, in the present case, with regard to *personal protection*, between foreigners owing a temporary fidelity, commensurate only with their stay in our country, and established citizens; still less are we inclined to deny the power of Congress to enforce a surrender of Ferrier, although we are yet to learn in what page of the Confederation it is *expressly* delegated to them. But we rather grant, for the sake of avoiding every appearance of equivocation, that these positions correspond, in truth, with the sentiments and pretensions of the Minister. Even with this powerful train of concessions it will not follow that the Executive of Virginia, possessing certain defined powers under a constitution, can usurp others, upon no other or better ground than that there is a national right, for the protection of which no constitutional or legislative provision has yet been made.

That the admission of Consuls is stipulated in the treaty of com-

merce is true; but it is equally well founded that, not being public Ministers, they enjoy no immunities or authorities (except a certain degree of inviolability in their persons) which are not marked out by treaty or custom, and that none such are marked out by the treaty of commerce. "Custom, then, (we are taught by a celebrated civilian,) 'is to be the rule; for a Prince receiving a Consul without express 'conditions, is supposed to receive him on the footing of custom.'" The existence of an American custom on the subject of Consuls is to us unknown; nay, the possibility of its existence, so recently after the birth of the American Government, and in derogation of State constitutions, is not, perhaps, free from doubt. Believing, too, that the French customs with regard to Consuls are not conformable with the genius of Virginia, and have never, in a single example, been announced by Congress as conformable with *their* views; recollecting that, for the specification of consular functions, which, according to the treaty of commerce, were to be settled by particular agreements, a convention was begun in the year 1781, between Congress and his Christian Majesty, and never having heard of its completion, we cannot acknowledge the sufficiency of the Minister's complaint on this head.

We have said, sir, that the completion of the convention, if it has taken place, has not been promulged to us. This fact will acquit us of a designed infraction of it.

The Minister recurs to a precedent, an extract from which is now sent. But neither that nor any other act which appears on our files has authorized any officer of Virginia to assist the Vice Consul in arresting for an *offence* against the laws of France. If aid has been given in a case wherein such an offence was an ingredient, we must have proceeded on imperfect information. See No. 2.

The foregoing observations are intended as an answer to Mr. Oster's letter of the 2d of October, 1787. In a great measure it will serve as a reply to that of November the 11th, 1787, by shewing the defect of our authority to restore Ferrier to his custody. But we beg leave to subjoin, that if the act of the public officer in withdrawing Ferrier from the *Jason* was unlawful, it belonged to the judiciary, not the Executive, to declare it so; that if it was lawful, the Executive could not wrest him from the hands of that officer, especially as Mr. Oster might have reclaimed him after his discharge, and caused a mulct to be imposed on the sheriff if that discharge was improper.

It is our sincere hope that this explanation may prove satisfactory to the Minister of his Christian Majesty. But should we be disappointed, we have a thorough persuasion that the relief sought by Mr. Oster was far beyond the scope of our powers.

I have the honor to be, &c.,

EDM: RANDOLPH.

Referred to as No. 1 in Mr. Randolph's Letter.

An Act for the Protection and Encouragement of the Commerce of Nations acknowledging the Independence of the United States of America.

“1. For preserving friendship and harmony with those nations, who have or shall hereafter acknowledge the independence of the United States of America; speedily determining disputes wherein their subjects or citizens are parties, protecting and encouraging their commerce within this Commonwealth: Be it enacted by the General Assembly, that it shall be lawful for the Governor, with the advice of the Council of State, to receive and admit, from time to time, a Consul or Consuls appointed by any such State to be resident within this Commonwealth; such Consul, if he were not a citizen of this Commonwealth at the time of receiving his appointment, shall be deemed a subject or citizen of the State from which he was appointed, and shall be exempted from all personal services required by the laws of this Commonwealth from its own citizens; and if he shall do any act which by the laws of this Commonwealth would subject him to criminal prosecution, it shall be lawful for the Governor, with the advice of the Council of State, in their discretion, either before the prosecution instituted or in any stage thereof, to remand such Consul to his Sovereign or State for punishment, and for that purpose to command him to be delivered by any civil officer in whose custody he may be. It shall be lawful for the said Consul to take cognizance of all differences, controversies, and litigations arising between subjects or citizens of his own State only, and finally, to determine and compose them according to such rules or laws as he shall think fit, and such determinations to carry into execution. And where he shall require aid for executing the same, it shall be lawful for the Governor, with the advice of the Council of State, using their discretion therein, to order any sheriff within his

own county, or any military officer whatsoever, to execute, or to aid and assist in executing, any such determination, provided the same does not extend to life or limb of the offender.

“Where any sailor, seaman, or marine, belonging to any vessel of such State within this Commonwealth, shall desert, or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman, or marine, notwithstanding such sailor, seaman, or marine may, in the mean time, have been naturalized in this Commonwealth. And any justice of the peace to whom the master shall apply shall grant his warrant for taking and conveying such sailor, seaman, or marine, from constable to constable, to the said vessel; or on application from the Consul, the Governor, with the advice of the Council of State, may issue such orders to any sheriff, constable, or military officer, who shall yield due obedience thereto. And be it further enacted, that any suit commenced in the High Court of Chancery, or General Court, by or against any subject or citizen of such State, shall be heard or tried in the term to which the process shall be returned regularly executed, or so soon afterwards as may be; and to this end, subsequent process to compel appearance may be returnable to any day of a term, and rules to bring the matter in dispute to speedy issue may be given, to expire at any shorter time than what is prescribed in ordinary cases. If such suit be commenced in a court of a county, city, or borough, it may, without any other reason, on the motion or petition of either party, be removed by writ of *certiorari*, and the hearing or trial thereof shall be accelerated by like means, as if it had originated in the court to which it shall be removed. And the Court of Appeals, High Court of Chancery, or General Court, shall determine every such suit brought before them, by writ of error or appeal, with all the expedition which the necessary forms of their proceedings will allow.”

An extract from the laws of Virginia, truly copied.

Attest:

SAM. COLEMAN, A. C. C.

In Council, August 21, 1784.

“His Excellency having laid before the Board a letter from the Sieur Oster, Vice Consul of his most Christian Majesty in this State, relative to the conduct of Messrs. Hallot and Amowrouk, of the

Amiable Louisa, the property of a French subject, enclosing the sentence of a consular court on their conduct, and representing that Mr. Hallot, whilst the said cause was depending, took the oath of allegiance to this State, and requiring the aid of Government in carrying the said sentence into execution :

“The Board advise that his Excellency, according to an act of Assembly ‘for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America,’ issue his order to all sheriffs and military officers within this State, notwithstanding Mr. Hallot has taken the oath of allegiance to this Commonwealth, requiring them to aid and assist in executing the said sentence, provided the same does not extend to the life or limb of the offenders.”

Extract from the Journals.

A. BLAIR, C. C.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, October 18, 1788.

Sir,

In conformity with our agreement, I have the honor of enclosing to you a sketch of our conversation respecting Mr. Randolph's answer, which you have been pleased to communicate to me. It is far from satisfactory, although it is drawn up with considerable address. There is certainly an irregularity in the conduct with respect to Captain Ferrier. I wait the decision of Congress, to inform my Court thereof.

I have the honor to be, &c.,

THE COUNT DE MOUSTIER.



Sketch of the Count de Moustier's Conversation with Mr. Jay.

The Minister Plenipotentiary of France observes, with much pain, that the interpretations given to the laws of nations, to the treaty of commerce between the King and the United States, to a particular law of the State of Virginia, respecting the privileges and functions

of Consuls, and the ignorance in a particular State of the convention signed by the respective Plenipotentiaries, on a subject which has been treated in *the name of all*, according to the only usual form for all their important acts, which have established the connexions and engagements formed between his Majesty and the United States, have prevented attention being paid to the demand made in the King's name by his Minister Plenipotentiary to the Congress of the United States, for a satisfaction not only interesting to a nation that is particularly allied with them, but to all nations in general, as it respects a crime that is acknowledged to militate against the rights of nations, a right that is imprescriptible, and not to be effaced by any other positive law of any civilized State whatever.

It appears proper to extend some secondary remarks on the answers which have been communicated to the Count de Moustier, without touching the grounds of the question, and which are reduced to the following positions:

1st. The crime which Captain Ferrier is guilty of is a kind of piracy, which is not, as is attempted to be insinuated, punishable only by the *laws of France*, but which is severely censured by the laws of all commercial nations, and the prosecution of which is prescribed by the rights of nations.

2dly. If by the law, a copy of which is joined to Mr. Randolph's letter, a sailor simply *deserting* can be claimed by the Consul, much more so ought a captain who *deserts with his crew*, after having sold, for his own benefit, the cargo entrusted to him. This explanation is evidently conformable to the spirit of this law, which has for its object *the protection and encouragement of the commerce of such nations as have acknowledged the independence of the United States*.

3dly. The Mayor of Norfolk having consented to the seizure of Captain Ferrier, on the claim of his Majesty's Vice Consul, he has acknowledged that the proceedings of this Vice Consul were not contrary to the law of Virginia. Moreover, this Captain was arrested, and brought to the Vice Consul by the very inhabitants of the country. The same measure, therefore, has been alternately regarded as *legal* and *illegal*.

Without entering into any further discussion respecting the extent of the power of Congress or of the Executive Council of Virginia as to the case in question, the Count de Moustier will not send the

answer which has been communicated to him until he has received the decision of Congress. He has, therefore, the honor to request that Mr. Jay will inform that assembly of his sentiments respecting the Governor of Virginia's answer, and to explain more particularly the desire he has of acquainting his Court with a satisfactory issue to an affair alike interesting to the commerce of the Kingdom and the external consideration of Virginia.

If circumstances did not promise a happy revolution in the actual organization of the United States, and that the principles that have been adopted in Virginia, with respect to Captain Ferrier, should serve as a basis for the commercial politics of the other States, which have hitherto followed very different maxims, the consequences would be that no nation could safely navigate and trade in their ports, and that foreign Captains might, under the protection of the law, dispose of cargoes which have been entrusted to them, and might enjoy with impunity the fruit of their crimes, in spite of the claims of their owners; and notwithstanding the demands of the Minister Plenipotentiary of a Power closely connected with the United States.

—O—

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, September 19, 1788.

Sir,

The absence of the Minister of France (with whom it appeared to me expedient, previously to converse on the subject of the letters of the 30th June and 2d July, from his Excellency the Governor of Virginia) induced me to postpone reporting on them.

He arrived yesterday, and I have seen him this morning. He is preparing to go immediately to Boston, and prefers leaving this affair in its present state until his return.

The delay will not, in my opinion, be inconvenient, and therefore I took the liberty of consenting to it.

With great respect, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO THE GOVERNOR OF VIRGINIA.

Office for Foreign Affairs, September 24, 1788.

Sir,

I have had the honor of receiving and communicating to Congress your letters of the 30th June and 2d July last. The receipt of them

should have been sooner acknowledged, had I not flattered myself with being shortly enabled to give you some information on the subject. My attendance in the convention of this State, and Count de Moustier's excursion to Albany, &c., left me no opportunity of discussing these matters with him. He returned last week; but the very day afterwards set out for Boston. I saw him just before his departure, and mentioned the affair to him. He was satisfied that it should be left in the state it was until his return.

The consular convention mentioned by your Excellency never was ratified, and consequently cannot as yet have operation in the United States. The foreign Consuls here have no other authority than that which they may derive from the laws of nations, and the acts of particular States. The propriety of these acts appears to me to be questionable, especially as national objects should be regulated by national laws. When the Count returns, I promise myself the pleasure of writing to you more at large on this subject.

I have the honor to be, &c.,

JOHN JAY.



**REPORT OF SECRETARY JAY ON THE OBLIGATION TO RATIFY THE
CONSULAR CONVENTION WITH FRANCE.**

Office for Foreign Affairs, July 25, 1789.

The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the following resolution, viz:

"In Senate, July 22, 1789.

"Whereas a convention referred this day to the Senate has reference to a convention pending between the most Christian King and the United States, previous to the adoption of our present Constitution:"

"*Resolved*, That the Secretary of Foreign Affairs under the former Congress be requested to peruse the said convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations or negotiations entered into by our Minister at the Court of Versailles, to ratify, in its present sense or form, the convention now referred to the Senate.

SAMUEL A. OTIS, *Secretary.*"

Reports, That he has compared the two conventions of 1784 and 1788.

That the copies of them received from Mr. Jefferson, and now before the Senate, are so printed and their variations so clearly marked as that he cannot contrast them in a manner better calculated for an easy and accurate comparison.

That, in his opinion, there exist in the convention of 1788 no variations from the original scheme sent to Dr. Franklin, in 1782, nor from the convention of 1784, but such as render it less ineligible than either of the other two.

That, although he apprehends that this convention will prove more inconvenient than beneficial to the United States, yet he thinks that the circumstances under which it was formed render its being ratified by them indispensable.

The circumstances alluded to are these:

The original scheme of 1782, however exceptionable, was framed and agreed to by Congress.

The convention of 1784 was modelled by that scheme, but in certain instances deviated from it; both of them were to be perpetual in their duration.

On account of these deviations, Congress refused to ratify it; but promised to ratify one corresponding with the scheme, provided its duration was limited to eight or ten years; but they afterwards extended it to twelve.

By an instruction to Mr. Jefferson, of 3d October, 1786, he was, among other things, directed to propose to the King "that the said convention be so amended as perfectly to correspond with the scheme in every part where a deviation from the same is not permitted by the said act, (of 1782;) and further, that he represent to his Majesty the desire of Congress to make the said convention probationary, by adding a clause for limiting its duration to eight or ten years. That he assure his Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings, and that on receiving the convention so amended, and with such a clause, they will immediately ratify it."

In the letter which accompanied these instructions is the following paragraph:

"The original scheme of the convention is far from being unex-

‘ceptionable, but a former Congress having agreed to it, it would be
‘improper now to recede ; and, therefore, Congress are content to
‘ratify a convention made conformable to that scheme, and to their
‘act of 25th January, 1782, provided a clause limiting its duration,
‘be added.”

On 27th July, 1787, Congress gave to Mr. Jefferson a commission in general terms to negotiate and conclude with his most Christian Majesty a convention for regulating the privileges, &c., of their respective Consuls. In one of the letters then written to him, is this paragraph :

“ Congress confide fully in your talents and discretion, and they
‘will ratify any convention that is not liable to more objections than
‘the one already in part concluded ; provided that an article limiting
‘its duration to a term not exceeding twelve years be inserted.”

As the convention in question is free from several objections, to which the one of 1784 was liable, and is in every respect preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow as a necessary consequence that the United States ought to ratify it.

All which is submitted to the wisdom of the Senate.

JOHN JAY.

CORRESPONDENCE

OF

GENERAL THE MARQUIS

DE LA FAYETTE.

CORRESPONDENCE.

FROM LA FAYETTE TO THE PRESIDENT OF CONGRESS.

Paris, December 26th, 1783

Sir,

Having received no commands from Congress by the last packet, I must, however, trespass upon their time to give them a few hints respecting American commerce. I have, of course, directed them to Mr. Morris; and although Dr. Franklin (the other Ministers being in England) will give you political intelligence, I cannot help adding, that by a refined piece of cunning, the King of England has got Mr. Fox out of the Ministry. After having entangled him by a success in the House of Commons, he found means to stop him short in the House of Lords, in consequence of which Mr. Fox has been dismissed. Mr. Pitt, and the last of the Temples called in, and the new administration (Lord North being also out) necessitates the calling of a new Parliament.

The affairs between Russia and the Ottoman Empire are still negotiating, and although in my opinion war cannot be much deferred in that quarter, there is no probability of its taking place so soon as next summer. The Emperor is in Italy, upon which some say he has also got an eye, and there he will meet with the King of Sweden. There is no change in the French Ministry since M. de Calonne has succeeded to M. de Omillon, and Baron de Breteuil to M. Amelot, both of whom are more sensible than their predecessors.

Unless I have some commands from Congress to execute in Europe I shall in the spring embark for America, and present them with the

personal homage of one whose happiness is to feel himself forever a zealous member in the service of the United States.

With the utmost regard and affectionate attachment, I have the honor to be, &c.,

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Paris, December 26, 1783.

Sir,

Although I have not by this opportunity been honored with any commands from Congress, I beg their permission to acquaint them, through you, with the measures respecting commerce which it has been both my duty and my inclination to pursue.

On my return from Spain I heard that Bayonne and Dunkirk were the two ports pointed out for American trade. L'Orient is out of the question; and although it was wished for by the Minister and Consul of the United States, their having no positive orders from Congress seemed to them sufficient reason to forbear a timely application. As I was a private man, I thought I might make it myself, and every difficulty I met with the better convinced me of the importance there was in getting that harbor. It was at last fixed upon *in lieu* of Bayonne, and I was permitted to let it be known to Mr. Barclay. But M. de Omillon being overburthened with the duties of his place, an enormous time was lost in giving the affair an official and complete conclusion.

Monsieur de Calonne having got into place, I have applied to him, as I do to every Minister that has something to do with American affairs. Enclosed you will find answers from him, and I hope our next conference will finish the affair of L'Orient. It has much pleased me to hear from Colonel Gouvion that your opinion respecting its conveniency coincided with mine. But since it has been decided we should obtain L'Orient, I have made an application for an addition of free ports. Because the more that are got the better it will be. Dunkirk, L'Orient, Bayonne, and Marseilles, will be a very proper chain. Bayonne, with the country around it, opens a good contraband trade with the Spaniards.

Upon the receipt of your letter, September 30th, Mr. Franklin sent it to me, requesting I would make what use of it I thought proper. I had extracts of it translated, which I intend taking with

me to Versailles. Your opinion will have great weight in the affair, because of the confidence Europeans have in your abilities, and the respect which is paid here to your character.

The ideas upon commerce that are met with in this country are far from being always right; to persuade people into their own interest is sometimes as difficult a matter as it would be to obtain a sacrifice. But the Ministry and the people are wishing for intimate connexions with America upon a liberal policy; one of the impediments is, that the trade in France is subject to many inconveniences, which, by little and little, will be removed; and the other, that the merchants here, and the farming interest about Bordeaux, oppose any foreign trade with the West Indies.

Those oppositions I have been every day combatting in the best manner I could; and at last have determined to present several heads, by way of memorial, which I will commence in conversation. It is entirely in the capacity of a Frenchman that I write, and wish as little appearance of partiality as I could. The reason is obvious; and I have sent a copy of my memorial to every one of the Ministers. With it I enclose M. de Calonne's answers, and a copy of an old letter from M. de Vergennes, which you must have got long ago. Should you think the memorial worth reading to Congress, or any committee, I must beg it will not go elsewhere, as I do not wish its being propagated.

In everything I do I need not say that I will ask for directions from the Ministers of Congress; and I very much wish to see them treating the matter directly with this Government. I the more desire it as I know the intentions of Congress only from hearsay, and cannot move a step in cases where their name is to be made use of with the Ministry.

With the highest regard, I have the honor to be, &c.,

LA FAYETTE.

While I am reading over this memorial, I beg leave to observe it was intended to point out the inconveniences in the French trade; it was therefore my object on the one hand to present them in their worst point of view, and on the other to overlook the advantages which that commerce has over other nations. It would have been wrong in me not to observe that this memorial is not intended to give a stated account of the affair, but to obtain favorable alterations upon particular points.

LA FAYETTE.

OBSERVATIONS of the Marquis de la Fayette addressed to the Count de Vergennes, on the Commerce of the United States with France and the French Colonies.

Whilst sacrificing her treasures and the blood of her citizens in the last war, France had a right to anticipate great advantages. There are some advantages which no faults can take away, and while she has recovered her consideration, her rival has lost a part of its commerce, an immense territory, a great number of its subjects, which Europe was eager to increase. France has besides done more. She has secured herself against a ruin which seemed sure and near at hand. It is evident to all who are acquainted with the New World, that on the eve of the Declaration of Independence England could have secured our American possessions. But although it was our duty to look with favor upon this revolution on account of advantages required, and evils avoided by it, although the main point at issue be a doubt whether this new-created power acquired by the United States, which is now independent and peaceable, would be better situated by a reunion with our rivals, there are yet some advantages which appeared secured to us, but which I see with regret we have lost.

During the animosity caused by the war, it would have been more easy for us to form commercial ties; but if we have now competitors we still have some advantages over them. Not that I think commerce appears to me a matter of sentiment. Americans love France; they are generous and grateful; and when they are accused of carrying to excess their hatred, (as, for instance, in regard to reprisals or the refugees,) it would be too absurd to accuse them of being attached to England. But all merchants look up to gain; and although the policy of the United States be very favorable to us, yet mercantile interest is impartial. Its influence will go, it must be confessed, farther yet; it will gradually take the lead in councils over which merchants have a great influence. Rivals of the British in our manufactures as well as in our commerce, by the same means it is that at some future day our political rivalry will be decided.

When I speak of our advantages I only mean to say that in the first attempt we will find them in the favorable disposition of the Americans; but nature has given us exclusive ones; and with little trouble we might obtain still more of them; and instead of repelling this commerce, it would be easier to bring the greatest portion of it

towards us. Every delay, every error on our part becomes a sure gain for England; for, in the last resort, if America does not favor us it will be favorable to others; and if this truth is not worth some sacrifices at least it is worth a prompt and very serious attention.

Being early engaged in that revolution, I regret the loss of the least advantages which my country might, by proper attention, have derived from it. I would cherish every thing that may draw closer an alliance which is natural, and required by common interest. Had I the experience of a merchant, I would write on the subject of the commerce with the United States. I can have no pretensions of that kind, and if my reflections or my information have given me some ideas on commercial affairs, they are too imperfect to induce me to venture to write a memorial on that subject. What I have learned or thought I have told to the Ministers of the King, and it is in obedience to their order that I offer a few notes on this interesting subject.

The commerce of the Kingdom, and that of the Colonies, although divided by the departments, cannot, in relation with the United States, be separated. On the examination of the first part, we see on the one side raw materials, and on the other manufactured articles which promise great profits in the exchange. If this truth requires an example, I will instance the extensive commerce in flaxseed which the late colonies carried on with Ireland. From the sowing of the seed until America received bleached linens, Ireland gained every thing by its culture. Without injuring commerce, our fine cloths, our silks of all kinds, our linens, our fancy articles, &c., will find a considerable sale; but it may yet be increased by care, and while manufactures, not in such great demand, will suit the American taste, (for I have seen that in Boston the roundness of the heads of our nails was an objection to them, and that the Irish way of folding linens had an influence on the sale of them,) others might lessen their prices by simplifying their manufacture, and some might gain by adopting the English plan, which consists in employing each person to the manufacture only of a single article, and by applying to each article the degree of power absolutely necessary.

It is a singular fact that when the raw materials are cheaper and better in our colonies, the cotton goods of Rouen should be, since the peace, dearer than those of Manchester. The price of our labor, the good taste, and the intelligence which distinguish us all give us hopes that we can, in our goods, imitate, and even excel other nations.

Besides forming commercial ties and making our manufactures known, we ought also to facilitate their exportation. I understand that the Americans desire that they may be put on the same footing on their continent that they are upon in our islands. They object to that unnatural system of internal customs. They complain that from the moment when the goods leave the manufacturer until they are shipped, without opening the packages, formalities aggravated by their uncertainty, and numberless difficulties must be encountered, and from which the French merchants are not exempt. These vexations lead to smuggling and fraud. They are intolerable for a foreigner not acquainted with our language and customs. The English manufacturers give longer credit, a consideration well worthy of notice. As to our wines and our brandies, they give us an exclusive advantage over England. The taste for French wines increases every day; they are asked for at the North, and are necessary in the warm climates. Nothing short of the destruction of this commerce would allow Portugal, the Azores, or even Madeira to come in competition with us.

Here is then a new source of wealth, which gives life to our productions and our manufactures. It would be wrong to stop it, and it is easier to increase it. With regard to that part of the New World producing raw materials but no rich metals, we ought, for the purpose of paying our workmen, to follow the example of Ireland, that is, encourage their planters. Whilst their furs are sent back to them in the shape of hats, muffs, &c., whilst we make use of their excellent iron and their timber, we return them hence ships with their sails and rigging, as they did formerly from England; but it is also necessary that their rice, indigo, and tobacco, should find in France an advantageous market. Their indigo, not as fine as ours, is employed for a particular purpose. American rice is preferred to that from the east, should even that trade be secured to us. The most essential article is tobacco; but that trade is destroyed by the Farmers General. If there be a nation favorable to the importation of codfish, we must remember that it is the principal article of exchange of New England. In a word, if we wish the Americans to buy of us, we must multiply their means of selling. Far from fulfilling this object, our actual system has driven away their commerce. The difficulty occasioned by regulations, is more injurious than high prices. The farmers of the revenue can only create

obstructions, they never decide. Time, so precious to merchants, is consumed by the least obstacle, as if it were the most important affair. The decisions of the company, so long delayed, vary arbitrarily on every occasion. On entering a French port, the merchants waver between the fear of making a declaration less than the real value, which carries after it confiscation, and that of an exaggerated one, which makes them pay for what they have not.

The error is still more injurious in the cargoes of tobacco, for if an error is made to the disadvantage of the importer, he is accused of smuggling, and this absurd measure is suspended only by a provisional order.

In reëxporting their merchandize, the Americans are desirous of recovering the duties they have paid, a facility which to them appears very important to commerce. The trade of tobacco is entirely lost to France. Since the peace, two vessels only have, I believe, arrived, and they were the result of an old contract; all the others go to England and Holland, where the manufacturers buy their cargoes. A cargo, after having been nine months in France, the Farmers General not being willing to buy it, or allow it to be carried to Marseilles, where it was wanted by the Italians, was at last taken to Amsterdam. Good tobacco is at present sold in Philadelphia from fifty to sixty shillings the hundred; in France the charges raise its cost to fifty-four livres of our money; and while it brings only nine sous in our ports, it yields sixteen sous in London and Amsterdam. But without entering into details, in which I might be mistaken, it is clear that a direct trade is the best for the purchase of this production, and for the sake of our manufactures, and that foreigners, to obtain possession of this trade, will do anything, and even suffer a momentary loss; and unless the patriotism of the Farmers General be enlightened, the allurements of a transitory gain, or the attachment to old usages, will work to the disadvantage of our mercantile and political interests.

For a long time past these abuses have restricted our commerce, they have been very troublesome to our citizens, and all acknowledge that they counterbalance our natural advantages over other nations. I do not pretend to give new ideas, I only point out those which are obvious to the Americans. Neither does it now belong to me to offer remedies; but the example of foreign nations proves that there are some. I shall only mention free ports, which have been too

long neglected. The treaty promises two of them ; Marseilles and Dunkirk were always so. When peace took place, I represented that L'Orient would suit the Americans ; that port was selected, and I was ordered to assert it, and to announce a formal declaration, which has not yet appeared.

The conclusion of this business and the addition of Bayonne, forming a line of four ports, would be sufficient for the commerce of the United States. It would, perhaps, be better for us that all the ports of France should be free ; but without indulging myself in a strange idea, and not willing to insist on L'Orient and Bayonne, I will only add that these dispositions should be made in concert with the Ministers of Congress, and their Consul in France.

Whatever may be the importations from America, France is nevertheless so fortunate as to have the balance of exportation in her favor. It is then necessary to find means of payment for this excess, and the commerce of the United States with our islands can only furnish it. Were I even profoundly versed in these matters, I should hesitate to give an opinion on so important a question. The French merchants do not agree in this case with the French inhabitants of the colonies. The *pro* and *con*. can be sustained. But, after conversing with persons better informed than I am, the following ideas on the American commerce have struck me.

As soon as that interest should be in opposition to our commerce, it ought to be null in the eyes of the Government ; but it is not so with our agriculturists, our manufacturers in France, and our citizens in the colonies. The sale of our productions, and the prosperity which results from it, will counterbalance the advantages given to merchants, and will combine in securing the public good. Eighteen years have not elapsed since the chamber of commerce was opposed to any communication between the colonies and foreigners. Since that time they have become more liberal on some articles ; they even now agree that it is better to bring our salt provisions from America than from Ireland. It was with much difficulty that an *entrepôt* could be established at St. Lucia and at the St. Nicola mole. There are among merchants a diversity of opinions, and all these reflections give me reason to hope for a conciliatory system, where national interest will accord with that of individuals.

In taking the salt meat of Ireland, we had the refuse of the English, and the difference in the price and quality is not to be

compared. If the salt fish of America is carried to the colonies, ours will find a better market in Europe. Competition can be established by moderate duties, but as long as the sustenance of negroes is subject to prohibitory laws, they will be less numerous, badly fed, they will work less, and die sooner; and since we have slaves, we ought, at least, to listen to the voice of interest and humanity. The revenue of the King, the consumption of manufactures, the cultivation of our colonies, will increase in proportion to the freedom given to trade. Are not the inhabitants of the colonies the best judges of the food necessary for their slaves, or do we fear that they will give them too much? Besides codfish and salt provisions, they will at the same time receive live stock, lumber, &c., which have always been furnished by the American continent. I must observe here, that an *intrepôt* requires a coasting trade, which is inconvenient and expensive; and if we expect any help from the Spaniards, I will add that their commerce consists only in goats and the hides of their wild cattle, which the want of fodder does not allow them to raise otherwise. Margarita is the only island which has pasture grounds; but we cannot depend upon it, as that island will soon adopt the same cultivation with our colonies. Americans, driven away by us, will encourage the Spaniards, who require always to be paid in British manufactures. The neglect of the custom-house guards makes smuggling easy. Although that indolent people may make promises, we ought not to depend on any thing that requires their personal exertions; but timber suitable for house and ship building, staves, spars for masts, yards, &c., and finally salt provisions, which we must get from the United States, all these are objects in which the Spaniards cannot compete.

It is impossible for me to doubt that fish, salt provisions, &c., and all the abovementioned articles, will be admitted in our colonies.

Flour offers a greater difficulty, which I pretend not to solve. The inhabitants of the colonies say that the question on the exportation of grain being yet doubtful, we ought not to be too positive as to its exportation to the islands; that negroes do not make much use of flour, and that if the grain-seller loses, the consumer, and consequently the French workman, will gain by it; that fields will be transformed into vineyards; that the importation into the interior of the kingdom, offers an opening for it, and that American flour is carried every day to the ports of Europe, (France having some time

received it,) it would be cruel to stop the increase of the colonies, by giving exclusive privileges which commonly benefit individuals only.

Rum, molasses, and French manufactures will be carried from the Islands to the United States; but they insist on the sugar trade, at least for their own consumption. If they cannot get it of us or of the English, they will encourage its production to our disadvantage, either in Brazil or the Spanish colonies. If they obtain that liberty in the British Islands, they will form there commercial ties which we ought to dread. The improvement of our islands ought to be a subject of interest to us; St. Lucia, for instance, is considered as a grave-yard, but might be made a flourishing island. If the increase of a hostile possession be arrested, will not a great injury have been done to it? And since the French commerce is not sufficient for our colonies, why not give the surplus to our allied consumers? In selecting certain islands or ports, and limiting the quantity of sugar exported in each vessel, or by requiring bonds for a declaration of this article to be made to the French Consuls in the United States, could not means be devised so that this commerce should not exceed the wants of the continent, and that the Americans should not derive the advantage of carrying our sugars to Europe? We apprehend difficulties in the execution of such regulations, but as much can be said of all restrictions. If these last do not cause sufficient embarrassments to call for an entire freedom, why should we feel compelled to adopt a general prohibition?

It is besides reasonable to make some experiments, but we must not begin with those which, by causing the loss of a trade little known to us, would occasion useless regrets. When this commerce has been examined in its differing bearings, there is one point remaining which deserves consideration. The United States possessing superabundant productions, and the islands having wants in common with them, which bring them together, it is to be feared that the refusal of an honest freedom will lead them to a general license. If every thing is forbidden to them, the Americans, as well as the inhabitants of the colonies, will break all laws; but the assurance of a lawful profit will drive away smuggling, which brings vexations, animosities, wastes the King's revenue, destroys all arrangements in favor of our commerce, and loosens the political ties.

If it be just to give only the surplus of our commerce to our dearest allies, if they are only to be employed for its prosperity, or that of our cultivators, our workmen, and our colonies, for the advantage of the mother country, we should undoubtedly be very wrong to sacrifice the great interest of our navigation. That of the colonies, it is said, destroys more sailors than it makes, and generally, the Americans do not expect for their own a very rapid increase. It is true, that at this time they hasten towards the interior of the country, whither they are attracted by the rich lands, which requires cultivators. That navigation, besides, will be dearer than is expected. If timber is cheap, it is not so with workmanship, and the rigging is principally imported from Europe. Their sailors are better paid and fed, and their ships do not last as long as ours. If, say the Americans, ships are constructed at a cheaper rate, the French will buy some of them, and they will become French property. They affirm that as several other nations navigate at a cheaper rate, we ought not to fear them on that account.

If I have ventured to give some ideas on the American trade, I have been encouraged by the Ministers of the King, and still more so by my love and attachment for the United States. These motives, which I have a right to offer, should be an excuse for pretensions on matters which I understand but little; this I have not to reproach myself with. I confess that the least merchant knows more than I do, and if some of my ideas appear just, they should have the greater weight; inasmuch as they are offered by one ignorant of the matter, they do not show to advantage. I do not offer a memorial, I only put together notes which have been required of me, upon some known facts, or some opinions from Americans, which my private relations have enabled me to hear. Whilst we facilitate our exportation for the prosperity of our commerce, of our manufactories, and for the purpose of securing a payment, we favor American importation. It will be necessary that in fostering our navigation, the interest of our merchants be combined with that of our manufactures and of our colonies, for the good of the kingdom. The Ministers of the King will know better than myself how to effect these objects; but there are two reflections which do not require much knowledge. The first is, that in losing time we do ourselves an irreparable injury; the second is, that it is very important that the Minister of the United States, and their Consul, also other American Envoys now in

France, should be consulted, and their talents and knowledge render their advice important, and their opinions will have much influence on the disposition of the people of the United States.

FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Paris, January 10, 1784.

Sir,

On the 26th of last month I had the honor to address you a letter, enclosing some observations from me to the French Ministry, and answers from them to me, and also giving you an account of some measures which, in my private capacity, I thought it my duty to undertake. I have been much encouraged by your verbal opinion to Colonel Gouvion respecting L'Orient, which I had taken upon myself to recommend for a free port. A duplicate of my despatches, December the 26th, is going in this packet, whereby you may see that in the private applications I make Congress cannot by any means be in the least committed.

Since my last letter I have had some conferences with the Ministry, enforcing what I had presented in the memorial. Enclosed you will find an original official letter from M. de Calonne, the Minister of Finance, wherein the affair of the free ports is finally settled, and some other parts of my observations are answered. I beg leave to submit to Congress the propriety of its being published in the newspapers, and for the facility of a translation I enclose a fair copy made out in a more legible hand.

LA FAYETTE.

FROM ROBERT MORRIS TO JOHN JAY.

Office of Finance, September 30, 1784.

Sir,

I do myself the honor to enclose, for the inspection of Congress, a copy of a letter of the 14th of last month, from the Marquis de la Fayette; and with it I send the originals which were delivered by him to me. The unexampled attention to every American interest which this gentleman has exhibited, cannot fail to excite the strongest emotions in his favor; and we must, at the same time, admire the

judgment which he has shewn in the manner of his applications, as well as the industry in selecting materials. There can be little doubt that his interest at his own Court must always prove beneficial to this country while the same cordiality shall continue which now subsists between him and the venerable Plenipotentiary now resident at Passy.

I shall not hazard opinions upon the matters which have employed the attention of Monsieur de la Fayette as a negotiator from this country to that which gave him birth. It would be intruding sentiments which will suggest themselves. But while I feel the delicacy, and, perhaps, danger of asking from France the modification or abolition of particular duties, thereby establishing a precedent for similar requests on her part, I hope Congress will pardon a wish prompted by the general interests of commerce, that the statement of all those duties might be translated and published for the government of those who may form expeditions to those different parts now opened to us.

I have the honor to be, &c.,

ROBERT MORRIS.

FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Philadelphia, August 14, 1784.

Sir,

Enclosed you will find some letters from M. de Calonne, and also one from the Marshal de Castries, with a return of duties now paid in the French free ports. The whole of which I have the honor to lay before you, and shall be happy in any commands you may have for me on these important matters.

I have the honor to be, &c.,

LA FAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Paris, January 31, 1784.

Sir,

In our last conversation I submitted to you some questions of American merchants, of which you took a note; and your favorable disposition for the American commerce, and the quick decisions it

produces, have reanimated my hopes. Whilst the English parties are disputing we may repair the delays of which you have so sensibly felt the inconvenience.

The four free ports are granted; and you destine the public buildings there to serve as magazines for the Americans. It were much to be wished that neither of the four ports may be deprived of this advantage, and the compensation for the use of these magazines should be as low as possible. But what ought particularly to be fixed, is a list of the fees of office, of anchorage, and of the admiralty. All these fees or duties, which, in fact, are always collected in a vague and troublesome manner, are not so useful to the King as inconvenient to the individual, and if it is of moment to fix them as low as possible, it will, I believe, be still of more importance to make a sacrifice of them altogether.

Seeing the difficulties which would attend a commerce with France, Messrs. Wadsworth & Carter, very rich Americans, had given up all ideas of the kind. I shewed them your letter, and they determined to make the experiment; they bought silks and other articles to send by a vessel which was to sail from L'Orient, but the demesnes of Monsieur laying on the road, they were obliged either to pay the duties, which would have eat up all the profits, or to take a circuitous route, (as they did,) and thereby lose the opportunity and increase the expense.

These gentlemen wish to send to America forty thousand bottles of champagne, and it would be convenient to ship them at Brest, where one of their vessels will stop on its return from England. They ask if they should meet with difficulties, and what duties they shall be obliged to pay for the entrance and clearance of their vessel.

Mr. Nesbit, merchant at L'Orient, informs me that Mr. Pignon told him Virginia tobacco is to be taken at 45, and Maryland tobacco at 40; he is forced to lose on what he has already received; but his friends have given him orders that their tobacco shall go from America to foreign ports. This monopoly of tobacco is a great misfortune for the commerce of America, but since the Farmers General must buy it, I cannot conceive what views they can have in discouraging the Americans from bringing it directly here, when the same quality sells at a higher price in the other ports of Europe.

Messrs. Wadsworth and Carter, of whom the whole army of M. de Rochambeau can speak to you, have made an observation to me

which is very just: that England diminishes the duties on the articles of export to America, and if France did the same, for example on looking-glasses and all that branch of the glass manufacture, they would have the advantage over the English manufactures.

When I receive your answer to these observations, I will acquaint the American merchants with all that concerns them; they are reanimated by your activity and decision, and it is very opportunely you have stepped in, to turn the current which carried the whole of the American commerce to England.

I am, &c.,

LA FAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Paris, February 10, 1784.

Sir,

Being on the point of writing to America, I could wish my accounts to continue favorable. After opening of free ports, it would be finishing your work to fix, or perhaps to abolish, the duties of the admiralty, of anchorage, pilotage, and other obstructions to commerce, which I had the honor to mention to you in my former letter. It would be of importance to assure the Americans of a market for their tobacco; I have forwarded some complaints to you, and I foresee bad consequences from the commission given by the Farmers of Virginia tobacco. At present it is brought from the Ukraine, and in general, instead of buying that of America, the Farmers take the other at a low price and of a very bad quality. You have been so generous with respect to free ports, that it would be indiscreet to give a new idea of that kind; but many of the Americans have told me, that if privileges were granted to the Havre, it would give a superiority to the manufactures of Normandy, and facilitate the vent of the articles fabricated at Paris. Vessels loaded in England, tempted by the commodiousness and the vicinity of the port, would call and take in some French productions.

The observations I have the honor to make to you, sir, must be attributed to my desire not to forget any American representations.

Accept the homage of my gratitude, and of the respect with which I am, &c.,

LA FAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Translation.

Paris, February 26, 1784.

Sir,

Monsieur, the Comptroller General, will find herewith the statement he was so good as to lend me; and to fulfil his intentions, I submit to him the opinion of the American merchants I have consulted. The duties payable in the free ports are less burthensome from their amount than from their multiplicity; to abolish them entirely, would perhaps be difficult, but they might be at first lessened and afterwards united under one denomination, to be paid at so much for a vessel of three masts, so much for one of two masts, and so on, without troubling themselves about the tonnage. This method will deprive no one of their dues, for the subdivision of the profits can be made by those who claim them. It will prevent the exactions and impositions to which strangers may be liable, will take away all embarrassments of that kind, of which the Americans complain, and will much surpass the English method.

This being done, two statements should be made out and sent; one of the old duties and the other of the new regulation, should be inserted in all the American papers.

An opportunity soon offers for America, and if M., the Comptroller General, will be so good as to decide on this point, and some others in my letters, I will, with great eagerness, fulfil his views in communicating his resolution. If it will be convenient for him to receive me either Saturday at Paris, or Sunday at Versailles, before or after the council, I shall be happy in waiting on him.

I am, &c.,

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Translation.

Paris, March 5, 1784.

Sir,

In conformity to the desire of M., the Comptroller General, I waited on M. De Chardon, and though he had been bled twice, he was so good as to occupy himself with our affairs. He did not think

the business could be done without having new and more particular statements; however, from the account he was to render to-day, I hope to receive the letters which will encourage the Americans with respect to the two departments.

Besides this letter which the Comptroller General has promised me, I take the liberty to mention that it is now a month since they have received the information at New York, of the four free ports; consequently, vessels may be expected every day; and as nothing remains to be done but a simple formality, it were to be wished that it was finished as soon as possible. I have even detained the American officer, in the hope that the Sunday's journey to Versailles will put it in my power to send the printed copy.

In conversing with the Americans on the importation of their flour into the islands, one of them mentioned that we might take measures to have the returns made in part, in wines, or goods of our manufacture. This engagement of contracting with the Americans, may be joined with the excellent idea which M., the Comptroller General, as well as the Count D'Estaing, gave me, of a moderate duty subject to drawback.

I have the honor to be, &c.,

LA FAYETTE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, March 8, 1784.

Sir,

I have examined with much attention the representations which you have done me the honor to make to me, on the duties payable by American vessels in the four free ports which his Majesty has assigned them. You complain of these duties being too high, of their multiplicity, and of the facility they will give to bad people to deceive strangers not acquainted with the French language and the customs of the place. You require the suppression of the greater part of them, and that those which are left should be reduced under one single head, payable according to the vessels being of one, two, or three masts, &c., thereby avoiding the detail, which would take place if the duty was laid on according to the tonnage.

I must in the first place observe that the duties payable by American

vessels in the ports of France are the same as for other foreign vessels, and do not exceed the duties exacted by the English. But you represent that the Americans are not acquainted with the nature and quality of the duties payable in France on their vessels as well as all others. On this subject I can propose nothing for his Majesty's decision before I have verified to certainty in what these duties consist, for whose profit they are levied, and under what title they are established. To come at this knowledge I have engaged his Majesty to issue orders to the Admiralty of the four free ports to furnish without delay, an account certified by them, of all duties whatever payable by American vessels, both on their arrival and departure. When this account comes to hand I shall lay the result before his Majesty, and then will be the moment to propose to him to take measures, as well to diminish the duties as much as possible as to unite under one denomination all which may be left, and make them payable according to the size of the vessel. This will also afford me an opportunity of proving to the United States the favorable disposition of our Court in every thing which interests them. You may be assured I have let no opportunity escape, and the determination that his Majesty has just taken, on my report, to suppress all duties on the exportation of our brandies, is a further proof of the attention given to every part of our commerce with the United States. I flatter myself that you will do justice to the desire I have to prove to you the sentiments of, &c.

DE CALONNE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Paris, May 17, 1784.

Sir,

It has not been possible to obtain the printed copies of the act, relative to the free ports, so quick as you desired. I have the honor to send you twenty-four copies. It has appeared necessary to fix a term when the act should take effect at L'Orient and Bayonne that the Farmers General might have time to form separate establishments between the places which are free and those subject to duties; but you need be under no apprehension that any thing will result therefrom contrary to my letter of the 9th January last which you have sent to

America, or that any expeditions which may have been made in consequence will meet any difficulties in either of the free ports. I have provided against this by particular orders, and every proper measure is taken that vessels which sailed within three or four months from America, and which, on their arrival, shall declare they were laden in consequence of what I wrote and you announced, shall immediately enjoy all the advantages of a free port.

I have read with great attention the memorial of M. de Coulteux on tobacco. He is very reasonable, but the facts are not admitted. It is alleged, for example, that an American vessel, which was made to pay the expenses of putting into L'Orient uselessly, afterwards carried her cargo elsewhere, and will not return. This fact is not agreed to. The packet *St. Mary* was cited, but the verification of the fact has proved its falsity, and so with respect to another vessel which had put into the mouth of the Loire.

With respect to the two propositions which terminate the memorial, the first to order the Farmers General not to buy tobacco but in France or America; and the second to form a magazine in the port of L'Orient, where the merchant may lodge his tobacco until he can sell it to his greatest advantage, they are susceptible of no difficulty, nor have I had any trouble to get the Farmers General to consent to them. You may, therefore, sir, obviate any uneasiness the United States may have conceived with respect to their commerce with France, it being the intention of the King to remove every obstacle.

I have the honor to be, &c.,

DE CALONNE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, June 11, 1784.

Sir,

I have collected together, as I informed you, a list of the different duties payable to the Admiral, to the officers of the Admiralty, to the cities, or to particular noblemen by vessels of the United States in the ports of Marseilles, Dunkirk, Bayonne, and L'Orient, on their arrival and departure. These duties are brought together in a tabular form which shows, at the same time, the title of each receipt, and the law

which authorizes it. I have the honor to send it to you that you may communicate it to the United States, and they may mark, in the column of observations, the demands they have to make with respect to each kind of duty. Till this is done it will be impossible to propose to his Majesty, either the suppression, the modification, or the uniting under one head the different duties since the United States themselves are not acquainted with them, and it is indispensable that the amount and nature of each duty should be perfectly known to them. So soon as the answer of the United States comes to hand, I shall lose no time in laying it before his Majesty, and I hope you will do me the justice to believe that the desire of obliging you is increased by that of being useful to the United States.

I have the honor to be, &c.,

DE CALONNE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Paris, June 16, 1784.

Sir,

Mr. Chardon has just communicated to me the letter you wrote him this morning, in which you demand that the duties payable by American vessels in the ports of Marseilles, Dunkirk, Bayonne, and L'Orient, should be united under one head, payable at so much per vessel of one, two, or three masts. You mention also your desire to take with you to the United States a decision on the suppression or modification of these duties. Notwithstanding the pleasure I should take in doing any thing agreeable to the United States, and in showing you personally how much concern I take in whatever interests you, it is impossible for me to propose it to his Majesty before your departure. The duties payable by the United States belong to the Admiral, to officers of the Admiralty, and to particular cities, and noblemen—both one and the other would be apt to lay claims of indemnity for the privation or reduction of their duties, and you will agree that it would not be just to reduce them, or even to suspend them, without hearing the parties interested. The same may be urged against reducing the whole of the duties to one denomination, payable at so much per vessel, according to the number of its masts.

It will then be necessary, sir, that the United States, after examining the statement of the duties, which I had the honor to address you, should establish, with precision, the demands they have to make with respect to each duty. On the receipt of this, and not before, I can lay the whole before his Majesty, and the United States may be persuaded, they will find his Majesty disposed, on every occasion, to give proofs of the friendship which ought to exist between him and the United States, and which will be founded on equity and justice.

I have the honor to be, &c.,

DE CALONNE.

P. S. The operation you desire must, whatever attention is paid to it, necessarily take up the space of three or four months. It will be doing in your absence, and you shall be informed of the result. I send back the statement of the duties as they now exist. It will be proper you should have it.



FROM THE MARSHAL DE CASTRIES TO THE MARQUIS DE LA
FAYETTE.

Translation.

Versailles, June 27, 1784.

Sir,

The regulation of the commerce between the United States and our colonies cannot be finished before your departure. All that you said to me in favor of your system is present in my ideas; but it will be impossible for us to give that degree of liberty which you desire. All that I can foresee is, that there will be a free port for the Americans in each colony, that everything which was formerly received will meet no difficulty, and that the duties will be as moderate as possible.

With respect to the regulations concerning the flour and sugar, I cannot, as yet, fix anything. The interest of our own commerce demands some consideration, and I will treat fully on these subjects with Mr. Franklin and the Consul General of the United States.

I have the honor to be, &c.,

DE CASTRIES.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Mount Vernon, November 25, 1784.

Sir,

Although I hope in a few days to have the pleasure of seeing you, I must beg leave to mention a matter, which has not a little hurt my feelings. You probably know that on my way, passing through New York, and particularly on my visit to Albany, it was intimated my presence at the Indian treaty would be of some use to the public. At Fort Schuyler I was desired to speak to the Indians, which I did, and the Commissioners had the papers filled up with their other transactions. But copies were taken, which was thought then a matter of no consequence. The enclosed letter from Mr. St. John, and the gazette that accompanied it, will show you that from the most obliging and humble motives in the world, he attempted to translate and print such incorrect parts of the relation as he had been able to come at. Had his kind intentions only given an instant to reflect, he might have seen the impropriety of that measure, but, in the meanwhile, it looks as if it had my consent; and such deviation is it from the manner in which our servants of the United States ever did business, that out of respect for Congress, for the Commissioners, and myself, I could not rest easy until the matter should be fully explained. Enclosed is my letter to the French Consul, which, after you have taken out such extracts as you think proper, I beg you will seal up and send by the bearer. Indeed, my dear sir, upon your friendship I depend to have this little circumstance officially laid before Congress, and should these letters be worth their reading, it will be, I hope, a satisfactory explanation of the affair.

In the first days of next month, I shall have the pleasure to meet you at Trenton, and at that time will have the opportunity of conversing with you on the several subjects. No answer from you ever came to hand.

I have the honor to be, &c.,

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Versailles, February 8, 1785.

Sir,

After thirty days' passage I was safely landed at Brest, and am so lately arrived in Paris that I had better refer you to your ministerial

intelligence. In consequence of Austrian demands upon the Dutch, and the gun these have fired at ———, forty thousand men were sent to the Low Countries by the Emperor, and a second division was in motion the same way, when France gave orders for two armies to be got in readiness, the one probably in Flanders, and the other in Alsace. Holland is gathering some troops, the greater number purchased in Germany, and will have at the utmost thirty thousand men in the field. Count de Maillebois, an old and able French General, has been demanded by them. Russia seems friendly to the Emperor; and although the Stadtholder is a friend to the King of Prussia, while the patriots are wholly attached to France, yet Prussia will, no doubt, side in politics with France, and the Stadtholder will command his own country's troops.

A grand plan is spoken of, whereby the Emperor would endeavor to obtain Bavaria, and, in return, give the Low Countries to the Palatine House; a bargain which betters and increases the Imperial forces. Under these circumstances negotiations cannot but be very interesting. Although the freedom of Holland and the protection of the German Princes are very proper objects for France to support, yet a war with the Emperor must be peculiarly disagreeable to the Court. It will certainly be avoided, if consistent with the liberties of Holland, with faith and dignity; and, upon the whole, I am strongly of opinion that no war will take place, at least for this year. The appearance of things, however, is still warlike enough to have made it proper for me to be arrived at the time I did; an idea, I confess, the more necessary for the situation of my mind, as I most heartily lamented the shortness of this visit to America, and the obligation I had been under to give up favorite plans and break off more agreeable arrangements. The officers of the regiments under marching orders, colonels excepted, have joined their corps. But I hope matters will be compromised, and such, at least, is my private opinion; but even they, who know more than I do on the subject, would, perhaps, find it difficult to form a precise one.

The Ministers of Congress will, no doubt, inform you of the situation of their negotiations in Europe. You will have seen M. de Castine's compliance with engagements. He had taken a letter to me which Mr. Morris laid before Congress. Nothing new was granted; and although the suspended decisions about flour and sugars were favorable to them, the French merchants have complained of

what has been obtained. In every country mercantile prejudices wear off by little and little.

I beg, my dear sir, you will forgive the hurry in which I write. Be pleased to remember me to all our friends.

I have the honor to be, &c.,

LA FAYETTEE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, March 19, 1785.

Sir,

I have been honored with your letter of January the 19th, and am happy to hear that Federal ideas are thriving in America. The more I see, hear, and think in Europe, the more I wish for every measure that can ensure to the United States dignity, power, and public confidence. Your three Ministers being in Paris, they will, of course, acquaint you with the present state of America, and also of European politics. Great Britain perseveres in her ill humor; Spain in her ill-understood policy. On my arrival I repeated what I had written, namely, the idea of getting New Orleans, or, at least, to advise the Spaniards to make it a free port. The former is impossible. As to the second, I had no positive answer; but I am sure my opinion was not thrown away. However, I confess it is difficult to make converts of a Spanish Cabinet. You know them better than I do.

Negotiations in Europe are still going on, and there is every reason to hope this will be terminated without bloodshed. Enclosed you will find a declaration which has been published officially, in some measure, in the Leyden Gazette. Count de Maillebois is now in Holland, where they are raising troops, and where parties run very high. In the meanwhile the Emperor had another plan in view, of which I wrote to you in my last letters; it was to exchange his dominions in the Low Countries for the Electorate of Bavaria. But, fortunately for all the members of the Empire, the Duke of Deux Ponts, nephew and heir to the Elector, has firmly opposed it. A report has been spread that the Emperor had intended to surprise Maestricht. But although matters are not yet finally settled, I am pretty certain there will not be this year any Dutch war, nor Bavarian war, both of which could not fail to involve France. It is, however, difficult to be decided in an opinion upon a matter which the ideas of one man may derange.

You speak to me of the introduction of flour in the West Indies. My wishes and my efforts are not unknown to you. But such clamors have been raised by the merchants against what we lately have obtained that our efforts now must be directed towards holding it fast. These people are encouraged by the narrow politics of England, who, say they, have all the trade of America. I have appointed a conference with the Duc de la Vauguyon, who is setting out for Spain, and I will tell him everything I know respecting the Mississippi.

Your Ministers will probably write to you respecting the Algerine business. What information I can collect will be presented to them.

I have the honor, &c.,

LA FAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

Office for Foreign Affairs, July 15, 1785.

Sir,

Accept my thanks for your interesting letter of the 19th March, which was immediately communicated to Congress. I consider it as a new proof of that constant and useful attention to our affairs from which the United States so often derived both pleasure and advantage. Let me request the continuance of your correspondence; and be assured that it will always give me pleasure to communicate to you such intelligence respecting American occurrences as may appear interesting.

Don Diego de Gardoqui is arrived, and has been received so much in the spirit of friendship that I hope his master and himself will be well pleased. Our negotiations with him will soon commence, and I sincerely wish that the issue of them may be satisfactory to both countries. To prepare for war, and yet be tenacious of peace with all the world is, I think, our true interest. I wish M. Gardoqui's instructions may be sufficiently extensive to admit of a settlement of our boundaries, &c., on principles which alone can create and perpetuate cordiality.

The British shew no disposition to evacuate our frontier posts. What their real designs are can at present be only inferred and

conjectured from appearances; and present appearances induce a suspicion that they mean to hold them. The letters we expect from Mr. Adams will probably remove all doubts on that head. It is certain that they pay great attention to the Indians, and give great encouragement to emigrants from us. Their expectations from the latter circumstance will fail them. I wish that every acre of ground they hold in America was settled by natives of the United States. They would transplant their love of liberty, their spirit of enterprise, and their attachment to republicanism into countries in which it is our interest that such plants should be propagated and flourish. In time they will bear fruit.

The commercial class of our people sensibly feel the restraints on our trade, and look up to Congress for a remedy. Good will come out of evil. These discontents nourish Federal ideas. As trade diminishes agriculture must suffer, and hence it will happen that our yeomen will become as desirous of increasing the powers of Congress as our merchants now are. All foreign restrictions, exclusions, and unneighborly ordinances will tend to press us together, and strengthen our bonds of union.

I send you herewith a number of gazettes, from which you will discern something of the spirit which prevails.

Congress go on doing business with great concord, temper, and harmony. I enclose a copy of the ordinance for regulating the Land Office. They are now on the subject of requisitions, and I flatter myself that as the highest respect for good faith prevails in the House that exertions will be made by the States to preserve the public credit.

Governor Livingston was appointed for the Hague, but declining that place Governor Rutledge has been elected for it. His answer has not reached us.

When, my dear sir, will your Court send us a Minister? Our having one at Versailles affords reason to expect one from thence. The report of Monsieur de Moustier's coming over in that capacity dies away; from the little I saw of him at Paris, I am inclined to think he would be an agreeable as well as an able Minister.

Mrs. Jay joins me in requesting the favor of you to present our compliments to the Marchioness.

With great esteem and regard, &c.,

JOHN JAY.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, April 18, 1785.

Sir,

Having been requested by some persons in this Court to lay before Congress the case of an orphan lady who has a sum of money in the continental funds, I think it is more proper to address this letter to you, as it is connected with the Department of Foreign Affairs. The young lady's mother was Miss Stonestreet, by her family name, and her father was a Mr. Thomas, merchant of Martinico. Her guardian, the Sieur de Poisson, town major of the city of Quesnoy, will apply to Congress by means of M. de Marbois, who is the proper channel for that business. But after I had said that the justice of Congress and the principles of the American Government made a recommendation an useless thing, I could not refuse this letter, unless I had seemed to entertain a doubt of the good effect the case of this orphan will certainly have in her behalf, provided her demands are well grounded.

With affectionate regard, I have the honor to be, &c.,

LA FAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, April 18, 1785.

Sir,

This letter will be delivered by M. Barré, a French officer, who has served on board our continental ships of war, and whose sufferings in that capacity have been explained in the petition I did myself the honor to send to you to Trenton. He has requested me to give him this line of introduction, and seems to me to have behaved very well in his expeditions.

With the highest and most affectionate regard, I have the honor to be, &c.,

LA FAYETTE.

FROM THE CHEVALIER BARRÉ TO JOHN JAY.

Translation.

L'Orient, June 29, 1785.

Sir,

An unfortunate event has prevented my having the honor of presenting to you, myself, the letter from the Marquis de la Fayette, which he sent me from Paris, for the purpose of reminding you of a

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memorial which he presented the last time he was at Trenton. He has assured me that you were informed of the event, which places me in the condition to claim your good offices with Congress for a recompense for my services in the unfortunate events which befel me under the American flag. If you have condescended to consider my memorial, you will have seen the frightful detail of the torments which I suffered at that time, and I hope that you will pay regard thereto—my acknowledgments shall be eternal. I have sent herewith the letter of the Marquis de la Fayette. His protection, added to my services, will surely merit your kindness. At the time of my last voyage to America I had reasons to expect the cross of *Cincinnati* and a grade in the American marine. As I have served in the quality of ensign on board of two frigates in the service of Congress, in this capacity, I dare hope that my demand will be granted to me.

I have the honor of being, with respect, &c., BARRÉ.

P. S. M. Deveau, an officer on board the packet, is the person who has the honor to deliver you this letter. If you have the goodness to do anything for me, I beg of you to send the same to the Marquis de la Fayette, and to advise me thereof.

This is my address: M. the Chevalier Barré, officer of the Marine, at the Hotel of M. Merenard, L'Orient.

MEMORIAL FROM THE CHEVALIER BARRÉ TO THE PRESIDENT OF
CONGRESS.

Translation.

Sir,

The Sieur Barré, lieutenant of a frigate in the service of France, has the honor to represent to your Excellency that he was taken by Sir James Luttrell, commanding the *Mediator*, a ship of fifty guns, in an American frigate of twenty-eight nine-pounders, commanded by the Sieur Gregory, lieutenant of a vessel in the service of Congress. The Sieur Barré was ensign on board this frigate, and claims the protection of Congress, that he may have a brevet, and be advanced in the American marine. The cruelty with which he was treated by the English will surely operate in his favor; and he is certain that the gentlemen are acquainted with the affair, the recital of which he subjoins.

The Mediator came up with us on the 12th December, 1782, at nine o'clock in the morning, we being then to leeward of her, in company with the Menagere, a vessel armed *en flute*, belonging to the King of France, on her way to America. The Menagere left us after firing the first shot, making a signal for safety; the Sieur Gregory would not attempt to escape, but held out as long as he could; however, two shots between wind and water, and the inequality of force obliged us to strike to avoid being sunk; the ship's boats came immediately on board, and their people treated us exceedingly ill, killed two of our men, and made us embark without allowing us to take the smallest part of our effects. When we arrived on board the ship the captain put us in the boatswain's state-room, and kept us there until night. At midnight we were ordered upon deck, and were sent into the gunner's room. Until this time, nothing appeared to presage the unfortunate event which caused my detention for five months.

The next day, about ten o'clock in the evening, after everybody had gone to bed, an eighteen-pounder was fired off near the place where I was ordered to sleep. The explosion was terrible; the port was carried away, the side planks were burst off, and the several cabins near were overturned; the alarm was universal, and I was instantly accused of firing off the cannon as a signal for raising the sailors who were on board, prisoners, to surprise the ship. I was obliged to defend my life against twenty assailants, and prevent, by a steady countenance, the whole effect of their rage. I could no longer resist, and was obliged to yield. Captain Gregory and myself were dragged by the hair and driven with blows of the sword into the captain's cabin, where we underwent a frightful examination; and putting his feet on our necks, the swords to our breasts, and our feet before a glowing fire, but not being able to draw any discovery from us, he resolved to tie us hand and feet, and ordered us on the quarter-deck, and then put a rope round our ancles and balls to our feet; in short, everything was prepared for the most frightful punishment. Having no proof of what we were accused, he concluded to put our hands and feet in irons, and made us remain at the door of his cabin for seventeen days; and at his arrival at Plymouth he sent us to a dungeon in the same situation, where we remained twenty days, from whence we were taken, because, having no proof, we could not be convicted. We were enlarged and put

into the American prison with our sailors; and we still continued three months and a half in the same distress, having nothing but what we had on at the time of action. In short, the 12th June, 1783, we were sent away in a flag to France, and I conducted the Americans from Roscour to Nantz, where they found a Consul belonging to their nation. I conceive, therefore, gentlemen, that I have a right to ask your kindness in advancing me in your marine, and giving me rank. Whatever you may do for me shall be an obligation on my part towards you, should any accident occasion new troubles to derange the order your Excellencies have established.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, September 16, 1785.

Sir,

I have been honored with your letter of the 18th April last, together with one from M. Barré, respecting his case. These papers are now before Congress. I shall do myself the honor to inform you of the result; and am, with great esteem and regard, dear sir, &c.,

JOHN JAY.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, October 21, 1785.

Sir,

The interest which you have benevolently taken in the case of M. Barré renders it proper that I should inform you of the result of his application. This will be best done by sending you a copy of my letter to him on the subject, and you will find it herewith enclosed.

Monsieur Barré speaks of his serving as an ensign on board an American frigate, commanded by M. Gregory, and being taken by the Mediator, Captain Luttrell.

The enclosed copy of a letter from Mr. Hardy to Secretary Thompson, places that matter in a different light from the one in which M. Barré represents it; for it seems from thence that instead of an American frigate, she was a private-armed French vessel.

I have the honor to be, &c.,

JOHN JAY.

FROM MR. HARDY TO SECRETARY THOMSON.

Treasury Office, September 13, 1785.

Sir,

Agreeable to your request I shall do myself the honor to give you such information respecting Mr. Stephen Gregory as the length of the time past and my memory will admit of.

Before I proceed further it may not be improper to inform you that Mr. Gregory was a lieutenant on board the Confederacy frigate, in the service of the United States, in which ship I had also the honor of bearing the rank of captain of marines. In the month of April, 1781, we were captured on the coast and brought into this port, from whence we were sent prisoners to England. We escaped at different periods, and happily met again in Nantes; at which place Mr. Gregory, in the month of April or May, 1782, was appointed to the command of a merchant ship then lying at Bayonne, called the *Alexander*, belonging to M. Beaumarchais, merchant in Paris, by his partner, (I think,) a Mr. Francis, then at Nantes, from whence he proceeded and took command of her. On his route from Bayonne to Bordeaux, in the month of October following, with several vessels under his convoy, he fell in with and engaged an enemy's cruiser; his ship was considerably damaged in the action, which obliged him to put into Rochelle. Whether from that ship's being so much disabled, or what other circumstance I cannot recollect, but Mr. Gregory was turned over to another ship of twenty guns at Bordeaux—her name I do not recollect—and, as I always understood, in the same employ. From that port he sailed, in the latter end of the year 1782, in company with the *Menagere*, of thirty-six guns, and the *Iphigine*, a new ship, mounting twenty-four guns, built at Nantes whilst I was there, (both in the same employ,) and two or three others, bound for Cape François. Before they got out of the Bay of Biscay they fell in with the *Mediator*, an English forty-gun ship, and unfortunately, after an action in which Gregory's ship suffered considerably, he was captured, together with the *Menagere*.

A particular detail of this capture, and Mr. Gregory's attempt to rise and take the *Mediator* whilst he was a prisoner on board of her, you will find by a letter from Captain Luttrell to the Admiralty, published in the Philadelphia papers the beginning of the year 1783.

From the foregoing circumstances, and my intimacy with Mr. Gregory, together with the frequent communication that was kept up between us by letters, before he sailed, (some of which I have preserved,) I have every reason to conclude that Mr. Gregory at that time was in private French service, though bearing an American commission.

Should this information answer the desired purposes, I shall be happy in giving it, and equally ready in rendering any further that may be in my power.

I am, with the utmost respect, &c.,

JOSEPH HARDY.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, May 11, 1785.

Sir,

This opportunity being very safe, Congress will have been fully informed by their Minister and the bearer, Mr. John Adams's son, who is himself very well fit to give them proper intelligence.

The appearances of a war are more and more remote. Politicians, however, look towards the Ottoman Empire. The Emperor is restless; the Empress of Russia is ambitious; the King of Prussia is old; a King of the Romans is to be elected; an arrangement for Bavaria; a reason or a pretence, an interest or a whim might set fire to combustible matter; but it is not expected for the present.

As it seems to me that favors granted to American importations are the best services that can be rendered to American trade, I wish it had been possible to obtain a total abolition of duties upon whale oil. But in this moment Government are taken up with a scheme to revive that fishery in France. It was therefore necessary to follow aroundabout course, and Mr. Adams is charged with some private proposals, which may be advantageous.

In a few days I intend visiting Nismes, Montpellier, and Rochelle, which are manufacturing and trading towns. I hope my little journey may not be quite useless; after which I shall go to Berlin and Silesia, to Vienna and Bohemia, where the King of Prussia and the Emperor, at several periods of the summer, have grand manœuvres executed by their troops. Should I in those visits find the least

opportunity to gratify my zeal for the United States, I should think myself more happy than I can expect, and as much so as your patriotic heart can feel.

With the most sincere regard and affection, I have the honor to be, &c.,
LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO THOMAS JEFFERSON.

Translation.

Vienna, September 4, 1785.

Sir,

This letter will be delivered to you by a private courier of M. de Noailles, who has been in my family, and who, I am sure, will take proper care of my despatches.

Since I had the pleasure to see you I have been at the Prussian Court and the Prussian camps, with which I was much pleased, and now am at Vienna, with an intention soon to return to Potsdam, where there will be a great deal of manœuvring.

The kind reception I met with in every part of my journey has given me the means to hear and to speak much on the affairs of America. I find the misrepresentations of Great Britain have not been fruitless. The strength of the Union, the powers of Congress, the dispositions of the people, and the principles of trade, are points upon which I have had many opportunities to give the lie to false assertions of newspapers, and to set to rights the false ideas of misinformed people.

It is useless to observe I wish the good measures now in contemplation may be soon executed; but in the meanwhile I more than ever wish we may, in newspapers, counteract the uncandid accounts that are sometimes given.

On the first day I saw the King of Prussia; he spoke with me on the present situation of American affairs.

The Marquis de Tuchesiny, his friend, paid me a visit in the afternoon, wherein I introduced the subject of the treaty of commerce between his Majesty and the United States. Since which the King has, sometimes at dinner, put his questions to me on the resources, the Union, and the future existence of America; and I do not think

they would have been so properly answered by the Duke of York or Lord Cornwallis, who were two of the guests. I fancy I may have still more particular opportunities to know his opinions, and to introduce my ideas.

On the day before yesterday I arrived at Vienna, and yesterday morning waited on the Emperor. The misrepresentations about America, the good measures that had been and were to be taken, the necessity to improve this moment, and come early into liberal treaties that would open the door to American importations, in order to pay for Austrian goods. Such were the points to which I directed, and sometimes forced the conversation. It was a great object with him to know if the Americans would be their own carriers.

The same day, in the evening, Prince Kaunitz, the Prime Minister, very willingly came into the subject of American trade, which I had brought about in a private conference—that carrying trade was again the topic; I advised them to send Consuls to settle partnerships in America, as no trade could last but what was mixed and reciprocal. I detailed out the objects of American exportations, as I had done to the Emperor. Why then (said Prince Kaunitz) don't they make advances to us? I answered, advances had been made, and more, in my opinion, than were necessary, but they had not been listened to in that time, and for the present, that I had heard something as if an answer was expected from the Emperor. He said the demand had been an indirect one. At last I concluded the conversation with telling him that I knew nothing of particulars, but had heard Congress, the people, and their Ministers in Europe express a desire to be upon a very friendly footing with the Emperor; that as a friend I advised him to lose no time, and he knew very well no treaty could go on without reciprocity. I, therefore, thought the first measure was to open the Italian ports for the salt fish of America. From our conversation, I am apt to think he may order his Ministers to talk with you or Mr. Adams, and I wish to write you what had passed between us, wherein I spoke as a man who, being ignorant of particulars, could only offer an humble advice to his Imperial Majesty, but upon the whole, I don't think you will have a very great trade this way.

As I think these hints may be agreeable to our friend Mr. Adams, I beg you will send the letter by a safe hand, as opportunities often offer. There is such a distance between Congress and myself, that

I will leave to you to trouble them with the news of my German tour.

Adieu, my dear sir; my compliments to Humphreys, Mr. Short, and our other friends at Paris.

Most respectfully, &c.,

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Vienna, September 6, 1785.

Sir,

The enclosed is a memorial in behalf of M. d'Argaynarats, who has been recommended to me by persons of the most respectable character. It seems M. d'Argaynarat's situation is very particular, and the distress of himself and family very urgent. As in the number of petitions that may be received, it is not possible for Congress to be acquainted with the family affairs of individuals, I hope it is not improper for me to lay before them this particular case; and while it is officially presented by others, not to withhold my certificate of the accounts, which respectable characters have given me about M. d'Argaynarat's present distresses.

With the highest and most affectionate regard, I have the honor to be, &c.,

LA FAYETTE.



MEMORIAL OF THE SIEUR D'ARGAYNARATS.

Translation.

The Sieur d'Argaynarats, at the same time attached to the military state, and engaged in commerce at St. Jean de Luz, desirous to concur with all his feeble power towards the liberty of the United States of America, freighted a ship in 1778, to send them different merchandizes and warlike stores, among others, twenty pieces of cannon.

His ship arrived safely at Salem, where all his merchandizes and stores were sold by a Mr. La Fitte, merchant; but there was only remitted for their amount one hundred forty-three thousand six hundred sixteen dollars, in paper money, of the old continental

emission, which were deposited in the Consul General's office at Boston, the 26th March, 1782; the *Sieur d'Argaynarats* having no news thereof till that time. This paper still remains there, so that he has not touched a single farthing of the proceeds of the said merchandizes and stores.

The risks which he has run in sending those provisions, the distressing and cruel situation in which this affair involves him, lead him to hope that the United States will be pleased to distinguish him amongst the other merchants.

The value of the said stores and merchandizes formed the whole of his fortune.

He has a wife and six children, whom he has brought up in habits of industry and virtue, and who, by this event, are involved in absolute indigence, and the entire want of the first necessities of life. This cruel situation, which has no example, is the motive which has determined this application. The interest which the French Minister will be pleased to take therein, gives him the assurance that the United States will relieve an unfortunate father, who, carried away by his zeal, has sacrificed for them his subsistence and that of his whole family.

There is not a single person among the holders of similar paper money, whose case can any way be like his own. Should, however, the United States fear that by ordering payment to him, they may give reasons for their other creditors, after this example, to demand theirs, he at least flatters himself that they will be pleased to provide for his just indemnification by some indirect means, whatever they may be.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, February 11, 1786.

Sir,

I have not for a long time had the honor to address you, either in public or private letters. This has been owing to a tour I made through several parts of Europe, and to a derangement in the packets, which, to my great concern, I found to have taken place during my absence.

In the course of a journey to Prussia, Silesia, the Austrian dominions, and back again to Berlin, I could not but have many

opportunities to improve myself by the inspection of famous fields of battle, the conversation of the greatest generals, and the sight of excellent troops; those of Prussia particularly exceeding my expectations. I had occasions not less numerous to lament the folly of nations who can bear a despotic Government, and to pay a new tribute of respect and attachment to the constitutional principles we had the happiness to establish. Wherever I went, America was of course a topic in the conversation. Her efforts during the contest are universally admired; and in the transactions which have so gloriously taken place, there is a large field of enthusiasm for the soldier, of wonder and applause for the politician; and to the philosopher and philanthropist they are a matter of unspeakable delight, and I could say of admiration. Those sentiments I had the pleasure to find generally diffused. But to my great sorrow, (and I will the more candidly tell it in this letter, as it can hurt none more than it hurts myself.) I did not find that every remark equally turned to the advantage of my pride, and of that satisfaction I feel in the admiration of the world for the United States.

In countries so far distant, under constitutions so foreign to republican notions, the affairs of America cannot be thoroughly understood, and such inconveniences as we lament ourselves are greatly exaggerated by her enemies.

It would require almost a volume to relate how many mistaken ideas I had the opportunity to set to rights. And as it has been painful for me to hear, so it is now disagreeable to mention, the bad effect which the want of federal union, and of effective arrangements for the finances and commerce of a general establishment of militia, have had on the minds of European nations. It is foolishly thought by some that democratical constitutions will not, cannot, last, that the States will quarrel with each other, that a King, or at least a nobility, are indispensable for the prosperity of a nation. But I would not attend to those absurdities, as they are answered by the smallest particle of unprejudiced common sense, and will, I trust, be forever destroyed by the example of America. But it was impossible for me to feel so much unconcerned, when those points were insisted upon, for which I could not but acknowledge within myself there was some ground; although it was so unfairly broached upon by the enemies of the United States. It is an object with the European Governments to check and discourage the spirit of emigration,

which, I hope, will increase among the Germans, with a more perfect knowledge of the situation of America. And while I was enjoying the admiration and respect of those parts of the world for the character of the United States; while I was obliged to hear some remarks which, although they were exaggerated, did not seem to me quite destitute of a foundation, I heartily addressed my prayers to Heaven, that by her known wisdom, patriotism, and liberality of principles, as well as firmness of conduct, America may preserve the consequence she has so well acquired, and continue to command the admiration of the world.

What I now have the honor to write, is the result of conversations with the principal characters in the countries I have visited; and particularly the Austrian and Prussian Ministers, the Emperor, Duke of Brunswick, Prince Henry, a man equally great and virtuous, the Prince Royal, and the King of Prussia. With the last I have often dined in the company of the Duke of York, second son to his Britannic Majesty, when American affairs, past and present, were brought on the carpet, and sometimes in a manner not a little embarrassing for an English prince. My stay at Vienna was short, but I had a very long conference with the Emperor, in which he spoke much of the American trade, and I found he had imbibed British prejudices. The next day Prince de Kaunitz introduced the same subject to me, and expressed some astonishment that the United States did not make advances towards the Emperor. I answered advances had been made formerly, and more than were necessary on the part of America, whom there was as much occasion to court as for her to seek for alliances. But that my attachment to his Imperial Majesty made me wish he would address, on that business, the Ministers of Congress, now at Paris and London, through the medium of his Ambassadors. I added, that the best measure to be taken immediately, was to open the Italian ports to American fish. But I do not think the United States will ever find a very extensive commercial benefit in her treaties with that Court.

In everything that concerns France, my respected friend, Mr. Jefferson, will give you sufficient information. The affair of American commerce wears a better prospect than it has hitherto done; so far, at least, that a committee has been appointed to hear what we have to say on the trade between this Kingdom and the United States.

The King of Prussia is very unwell, and cannot live many months. His nephew is an honest, firm, military man. From the Emperor's temper, a war could be feared; but our system is so pacific, and it will be so difficult for England to involve us in a quarrel without acting a part, which she has no interest to do, that I do not think the tranquillity of Europe will be deranged. Holland is checking Stadtholderian influence, but no further. The King of Naples and his father are quarrelling on account of a Minister's leaning to the House of Bourbon, and being devoted to other Powers, whom the son wants to keep. I had lately an opportunity to know, that the last revolt in Peru has cost a hundred thousand lives; but from the same account I find that those people are far remote from the ideas which lead to a sensible revolution.

I have the honor to be, &c.,

LA FAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, June 16, 1786.

Sir,

During your absence from France, I omitted being so regular in my correspondence as I should otherwise have been.

I have been honored with your letters of the 18th April and 6th September in the last year, and with one of 11th February last; they were all communicated to Congress.

The account of your German excursion is concise and interesting; the sentiments and opinions respecting the United States and American affairs, which you found there prevailing, appears to me very natural. Successful revolutions and victorious arms have always a degree of splendor about them which shines at a great distance, and excites admiration whether well or ill founded. Few have been at the pains of examining and understanding the merits of the case between Britain and us, and nine-tenths of that few have taken their sides, less from conviction and opinion of right than from some of the many other more common and more stimulating motives which usually govern the declarations and conduct of the mass of mankind. It is equally natural that reports to our disadvantage, composed of such proportions of truth and falsehood as might render them probable and

palatable, should be generally diffused and believed. There are very few States and very few Ministers in them who think it convenient to magnify America, either by word or deed. Politicians, like critics, are often more disposed to censure than to commend the works of others, and patriotic manœuvres, *pro bono publico*, like pious frauds, *pro salute animarum*, were never uncommon. As there is and always was and will be an actual though involuntary coalition between the men of too much art and the men of too little, so they who, either officially or from choice, fabricate opinions for other people's use, will always find many to receive and be influenced by them. Thus errors proceeding from the invention of designing men are very frequently adopted and cherished by others who mistake them for truths. It must be easy for the maritime nations to make the rest of Europe believe almost what they please of this country for some years yet to come; and I shall be much mistaken if fame should soon do us justice, especially as her trumpet is in many places employed and hired for other purposes.

Whence it happens I know not, but so the fact is that I have scarcely met with six foreigners in the course of my life who really understood American affairs. The cause of truth will probably be little indebted to their memoirs and representations; and when I consider what mistakes are committed by writers on American subjects, I suspect the histories of other countries contain but very imperfect accounts of them.

I can easily conceive that at the German Courts you visited, you have done us service, because I know how able, as well as how willing, you are to do it. I wish all who speak and write of us were equally well informed and well disposed. It is a common remark in this country that wherever you go you do us good; for my part I give you credit, not merely for doing us good, but also for doing it uniformly, constantly, and upon system.

Do you recollect your letter of 2d March, 1783, containing what passed between you and Count de Florida Blanca, respecting our western limits? I communicated that part of it some months ago to M. Gardoqui, in opposition to his pretensions and claims. He lately told me you had mistaken the Count, for that he never meant to convey to you any thing like a dereliction of those claims, which, by-the-by, are too extensive to be admitted. In a word they do not mean to be restricted to the limits established between Britain and

us. Why should people, who have so much more territory than they know what to do with, be so solicitous to acquire more?

The moneys due by the United States to subjects of France have given occasion to applications by M. de Marbois, and to reports on them by the Board of Treasury, which are now under the consideration of Congress. You, my dear sir, are not unacquainted with the state of our finances, nor with the difficulties resulting from the inefficiency of our Federal Government. Time and more experience must and will cure these evils; when or how is less certain, and can only be conjectured.

I had the honor last summer of writing a letter to the Marchioness, in answer to one she was so obliging as to favor me with. Did it ever come to hand? Mrs. Jay writes to her by this conveyance. We and many others are pleased with the expectation of seeing you both here, and with the opportunity we shall then have of personally assuring you of our esteem and attachment.

I am, dear sir, &c.,

JOHN JAY.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, October 28, 1786.

Sir,

Owing to several circumstances, and particularly to a journey I have made through some garrison towns, your favor of June 16th has reached me very lately. That there should remain the least doubt with M. Gardoqui, respecting the adoption of the English limits, is a matter of amazement to me. The original letter having been sent, I herewith enclose a copy with a few observations. I think its presentation to M. Gardoqui will the better convince him, as he knows Count de Florida Blanca's respect for his own word of honor. And may I be allowed to add that the more this letter is known, the better it will impress the public with ideas favorable to the Spaniards; and the Spaniards with a sense of engagements which men of honor cannot trifle with.

As to the navigation of the Mississippi, you know better than I

what are the strong prejudices of that Court against it. But we both know equally well that in a little time we must have the navigation one way or other, which I hope Spain may at last understand.

It has been said in some newspapers that the Floridas should be given up to France. But nothing has come to our knowledge which gives the least ground for an idea of that kind. As Mr. Jefferson sends you a letter relative to commerce, which improves the condition of the treaty with England, whereby she has no claims on the favors enjoyed by the United States, although she is to be treated like the other most favored nations, and as M. Dumas is writing on Dutch affairs, I will only beg leave to inform you that the appointment of the convention has had already a good effect in Europe, and that great benefit will be derived on this side of the water also from the commercial and Federal measures, which it is my happiness to hear are now under consideration.

Although there may be a diversity of opinions, whether a peace must be purchased at any rate from the Barbary Powers, or a war must be carried on against them until they come to proper terms, there can in no mind be any doubt about the advantages of a third measure, which is a confederacy of six or seven powers, each of them giving a small quota, and the reunion of which would ensure a constant and sufficient number of cruisers against those pirates, and after they are brought to terms, would guard against the breaking of a peace which the Powers would mutually guaranty to each other. Portugal, Tuscany, Naples, Venice, and Genoa, are now at war with those regencies. I would like at the same time to have the armament so managed as to use American flour, fish, and naval stores. This plan is not as yet very well digested in my head, but I beg leave to submit to Congress the propriety of empowering their Ministers to stipulate for such an arrangement.

I have the honor to be, &c.,

LA FAYETTE.

P. S. In case Congress have no particular orders for me, (if they had I should be most happy to wait on them, either as a soldier in their armies, or in any other manner,) I may, perhaps, accept the invitation of the Empress of Russia, to be presented to her next spring in her new dominions of the Crimea, which excite my curiosity. Should any thing turn out that may employ me as a servant of the United States, I hope they know my zeal.

FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, February 16, 1787.

Sir,

Congress being again convened, I have communicated to them the letter you did me the honor to write on the 28th October last. The paper it enclosed had been laid before M. Gardoqui, and made known to his Court; but it seems the Count de Florida Blanca does not consider it in the same point of light that we do, viz: as a conclusive approbation of, and consent to, the limits fixed by our treaty with Britain. On the contrary, he extends the claims of Spain higher up the river. That and the navigation of the river present serious points of opposition between us. I think with you that Spain deviates from the line of true policy respecting those objects; but in this, as in other cases, it is often more easy to perceive errors than to correct them.

You have heard long before this that the convention you allude to miscarried. Another is now in contemplation, and some of the States have delegated distinguished characters to represent them at it. Whether all or how many of the States will adopt that measure is uncertain, the people being divided in sentiment respecting the expediency of it.

Our frontiers yet enjoy peace, but whether owing to the season of the year, or to the pacific disposition of the Indians, is problematical.

The insurrection in Massachusetts appears to be suppressed; but time only can discover whether that suppression is radical or temporary. The public papers, herewith enclosed, will give you the details.

What plan or system Congress will adopt relative to the hostile Barbary States is not yet decided. The one you suggest has advantages. The great question, I think, is whether we shall wage war or pay tribute? I, for my part, prefer war, and consequently am ready for every proper plan of uniting and multiplying their enemies.

Mrs. Jay joins with me in requesting the favor of you to present our compliments and best wishes to the Marchioness.

I have the honor to be, &c.,

JOHN JAY.

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FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, February 7, 1787.

Sir,

This letter goes in the first packet from Havre, a change advantageous both to passengers and correspondents, and through the hands of Colonel Franks, whose good conduct at Morocco has entitled him to a share of that respect which has been deservedly paid to the American Embassy. Mr. Barclay's refusal of the presents has been a matter of wonder to every African, and I dare say to some Europeans, whose accounts do full justice to him.

To Mr. Jefferson's despatches I refer for useful intelligence. The affairs of Holland do not make a progress towards conciliation. It seems that the King of Prussia will not find himself the better for counteracting, in many points, the line of conduct of his deceased uncle. A treaty of commerce is signed between France and Russia. The Empress has set out on her journey towards the Crimea. She had permitted my waiting on her; but I am detained by the assembly of Notables, an event not very common, neither expected, which does honor to the King and his Ministry, and will, I trust, be productive of public good.

I have had the honor to send copies of my old correspondence with the Count de Florida Blanca. The enclosed one will supply any accident that may have befallen the others. We are told that the unhappy disturbances in New England have subsided. To us they do not appear so dangerous as to Europeans; but sufficiently so to give us a great deal of concern. May all Americans know the blessings of their own constitutions, and from comparison judge, that if they are to correct, it would be madness in them to destroy.

I hope the convention at Philadelphia will answer the essential and urgent purposes of the Confederation, commerce, and the establishment of a uniform and republican militia. Each State has within itself the means fully sufficient to set right the opinions of mistaken citizens, and those means seem to me principally founded on the good sense, knowledge, and patriotic liberality of the people. Every wrong measure of theirs would hurt, not only the consequence of the United States; but also the cause of liberty in all parts of the world.

With the most sincere regard and attachment, I have the honor to be, &c.,

LA FAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, May 30, 1787.

Sir,

Had I been sooner acquainted with Mr. Forrest's departure I would have given you more particular accounts of the latter part of our session, but have only time to enclose the speeches that were made by the heads of the several departments. Not that such etiquette speeches are in any way interesting on the other side of the Atlantic, but because you will in the same book find that of the Archbishop of Toulouse, wherein he gives the King's answer to the several demands of the Bureau. You will see that if the madness and corruption of the late Administration have laid us under a necessity to acknowledge that, after all other means would be exhausted, taxes must be employed to fill up the vacancy, yet we have gained not a little by the convocation of the Assembly. A more equal repartition of taxes, including the clergy, who hitherto had escaped them, and the powerful ones among the noblesse, who were not very exact; Provincial Assemblies on an elective principle, which, by-the-by, are big with happy, very happy consequences, that will come to light as we go on; economy to the amount of forty millions, at least; the destruction of interior custom-houses; a modification of the *Gabelle*;* an annual publication of the account of the finances; the printing of all pensions, gifts, &c.; more proper arrangements within some departments; and a more general instruction, habit of thinking on public affairs, &c., &c., are the good effects of this assembly, which, although it was not national since we were not representatives, behaved with great propriety and patriotism.

On the last day of our session I had the happiness to carry two motions in my Bureau, which were, I may almost say, unanimously agreed to: the one in favor of the Protestant citizens of France, the other for an examination of the laws, particularly the criminal ones. Enclosed is the resolve framed by the Bureau, which Count D'Artois, our President, presented to the King, and was graciously received. I was the more pleased with it, as some step of the kind with respect to the Protestants, which had been tried in the Parliament of Paris,

* Imposts.

had not the proper success. So far are we from religious freedom, that even in asking for tolerance we must measure our expressions. I was more liberally supported by a learned and virtuous prelate, the Bishop of Langres, who spoke admirably on the religious motion I had introduced. You will see that the Bureau clogged it with many compliments to the Roman creed to appease the priests and devotees.

I cannot express to you, my dear sir, what my feelings have been whenever the unpaid interest of the American debt has been spoken of in the examination of the accounts. May the convention be the happy epocha of Federal, energetic, patriotic measures! May the friends of America rejoice! May her enemies be humbled, and her censors silenced at the news of her noble exertions in the continuance of those principles which have placed her so high in the annals of history and among the nations of the earth.

The Archbishop of Toulouse is the ablest and one of the most honest men that could be put at the head of the Administration. He will be the prime influencer in everything, and we may depend upon him as a man equally enlightened and liberal.

I beg you will present my respectful compliments, and those of Madame de la Fayette to Mrs. Jay. Remember me to General Knox, Colonel Hamilton, Colonel Wadsworth, the Chancellor, Mr. Madison, Doctor Cochran, the Governor; in a word, to all friends.

Please send the enclosed printed speeches and copied resolves of the Bureau to Mr. Otto, who must be very desirous of getting them.

Most respectfully and affectionately yours,

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, October 15, 1787.

Sir,

The present state of politics having been laid before Congress, I shall the less intrude on their time with repetitions, as the late transactions in Holland have nothing pleasing to dwell upon. That the republican party have been disunited in many respects, and blinded in the choice of a General, that our Cabinet have been treacherously

deceived, are true but insufficient apologies. The Ottomans, roused by England, will probably pay for their folly with one half of their Empire. It now lies with England whether a maritime war is to break out, which must involve the continent, and connect France with the two Imperial Courts. France is sincere in her politics and moderate in her pretensions, as it is the ardent wish of the King, Ministers, and nation to devote themselves to internal improvements. But the affairs of Holland, those in the East, the giddiness of the King of Prussia's head, and British rancor for the assistance given to America, are causes of war, which, notwithstanding the disposition of the Ministry, may, probably, be blown up in Great Britain.

It is natural for a citizen and servant of the United States to consider what effect a maritime war would have upon them; and I am happy to find in their indulgence and long-experienced confidence every encouragement to offer my opinion.

A coöperation against a proud and rancorous enemy would equally please my politics as a Frenchman, my feelings as an American, and my views as an individual. I was nine years ago honored by the choice of Congress to command an army into Canada, and never have I ceased to enjoy the prospect of its enfranchisement. A successful war, too, might divide the fisheries between France and America. But are not the United States so circumstanced for the present as to render a war too expensive for them, and too dangerous to their commerce?

Convinced, as I am, that it is the case, I think myself bound in duty and love for them not to indulge my ambition further than a neutrality useful to them and favorable to their allies. Every American harbor will offer a shelter for the French ships, a market for their prizes, and all the conveniences of repair and victualling; all which being consistent with treaties, gives no ground of complaint. Although the trade is going on between England and America, it does not hinder the French colonies from being supplied with all their wants. Privateering itself, if under French colors, does no harm; and so may the United States enrich themselves with a free trade with both nations at the same time that they maintain their own tranquillity and help their allies. And should they be forced into a war, I would wish at least it might be delayed as long as possible, and postponed, for obvious reasons, to the last campaign.

It is to be confessed that France might lay some claims on more

decisive measures, but sensible as she is of the unavoidable situation of affairs in America, I have reasons to believe she would not hurry her into a war, and will be satisfied with such a friendly, helping neutrality.

✓ But I consider the present time as a proper one to obtain the restoration of the forts, and perhaps the navigation of the Mississippi, two points which I confess I could never submit to the idea of giving up. The one is ours* by the laws of nations, the other by the laws of nature; and may I be permitted to add that either concession would be inconsistent with the character of the United States.

✓ Mr. Jefferson gives an account of the measure taken, respecting the commerce between this Kingdom and America. I wish that affair had been terminated in time for the departure of Count de Moustier, a gentleman whose personal character will, I trust, deserve the confidence and approbation of Congress.

We are anxiously waiting for the result of the convention at Philadelphia, as an event which, being engrafted in the present dispositions of the people, will probably add a lustre and a proper weight to the affairs of America in Europe; and while it ensures internal happiness and prosperity will baffle the insidious wishes, and annihilate the absurd reports of her enemies.

The next month is the appointed time for the session of all Provincial assemblies, an establishment which will be productive of the best consequences.

The liberty I have taken in expressing my opinion on an event not certain, but not improbable, cannot be referred, I am sure, to any principles of vanity or self-sufficiency; but to the gratitude so well grounded, and the zeal which shall ever rank me among the most devoted servants of the United States.

With every sentiment, &c.,

LA FAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, April 26, 1788.

Sir,

Since last fall I have enjoyed so little health that it has not been in my power to be so punctual in my correspondence as I wished. I

* It must be remembered that in these letters General La Fayette always speaks of himself as an American.

have had the pleasure of receiving and communicating to Congress your favor of the 15th October last. The apprehensions you then entertained have been removed by the subsequent arrangements between France and Britain. For my part I wish they may continue at peace, as well because war always brings distress upon great numbers as because the present state of our affairs is not accommodated to the circumstances and consequences which such a war would produce.

You have doubtless seen the plan of Government recommended by the late convention at Philadelphia. Six States have adopted it. What the others will do is not certain. It is the subject of animated discussions among the people. In this State the opposition is considerable. A few months more will decide that great question.

The late commercial regulations of France, relative to this country, are certainly very acceptable; but my private opinion is that much more is yet to be done before the interests of France and America will be properly provided for. I fear the prejudices and partial views of your people will restrain the Court from going all the lengths which true policy seems to dictate; nor can I answer for opinions on this side of the water. I will tell you very candidly what I think on the subject. It is this: that your people should have all the commercial privileges of American citizens, and our people all the commercial privileges of French subjects. I have not at present health or leisure to explain the reasons on which this opinion rests; nor is it necessary, for I am persuaded that few of them will escape your observation.

Mr. Jefferson's letters mention your constant attention and attachment to the interests of this country, and how much he and we are indebted to your friendly aid and exertions.

With very sincere esteem and regard, I have the honor to be,
&c.,

JOHN JAY.

CORRESPONDENCE

OF

THOMAS BARCLAY.

CORRESPONDENCE.

FROM ROBERT MORRIS TO THOMAS BARCLAY.

Office of Finance, December 5, 1782.

Sir,

On the 28th May last the United States in Congress assembled resolved that a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States who have been entrusted with the expenditure of public moneys in Europe. On the 29th of July last it was resolved that the resolution of the 28th May be considered; and on motion it was ordered that the said resolution be committed. On the 18th of November last, on the report of a committee to whom, upon a reconsideration, the resolution of the 28th May last was referred, it was resolved that a commissioner be appointed by Congress, with full power and authority to liquidate, and finally to settle, the accounts of all the servants of the United States in Europe, and to commence and prosecute such suits, causes, and actions as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person or persons whatever. That the said commissioner be authorized to appoint one or two clerks, with such allowance as he may think reasonable; and that the said commissioner and clerks, respectively, take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively. On the same day

you were elected the commissioner it was resolved that Congress would hereafter make adequate provision for the said commissioner, according to the nature and extent of the services which he shall perform. And on the 20th of November last it was resolved that the Superintendent of Finance be directed to instruct the commissioner for settling the public accounts in Europe to take proper measures for adjusting, without delay, the accounts of M. de Beaumarchais, or Roderique Hortales and company, and to report such settlement to Congress, that order may be taken for the payment of the balance, if any shall be justly due; and that in the mean time no farther remittances or payments be made to M. de Beaumarchais, or Roderique Hortales and company, by virtue of any former resolutions of Congress.

Enclosed herein you will find a commission authorizing you to act in this business, and I shall now endeavor to give you such explanations and directions as may be necessary for the accomplishment of it, consistently with the views and intentions of the United States in Congress. You will undoubtedly remark that no sum is fixed upon as the compensation for this duty, the reason of which is apparent, namely: that, until the completion of it, neither the nature nor extent can perfectly be known. This might, perhaps, have induced a monthly or annual stipend to any other commissioner; but as your other duties may, and probably will, occupy a part of your time and attention, which must, nevertheless, be indeterminate, so it follows that no points could properly be assumed by which the reasonable extent of such a stipend could be known. I have every reason to believe that it is the intention of Congress to make a generous allowance for the performance of this service, and I am persuaded that, by attention, assiduity, and the faithful exertion of your talents and abilities, you will merit their regard.

The appointment of your clerks, as well as the ascertaining their number and reward, are left to your discretion. You will, on this occasion, consult the principles of true economy, which dictate the employing as many persons as are capable of performing the service, and no more; the taking care that those employed are capable of performing the business committed to them; and the obtaining such a number of such persons on the cheapest terms for which they can be procured. But the worst economy in the world is to employ improper men. That you may be enabled to form a judgment of

the talents necessary to a clerk, you will observe that Congress, in their ordinance of the 11th of September, 1781, for regulating the Treasury and adjusting the public accounts, ordained and declared that the clerks, the number of whom should be regulated by the Superintendent of Finance, should be appointed by the Comptroller. That it should be their duty, respectively, to examine all accounts which should be committed to them by the Comptroller, to correct all errors, and note in writing what may appear exceptionable, either as to the propriety of the charges or the validity of the vouchers, and transmit the accounts, with his remarks, to the Auditor. And that the party, for himself, and the clerk, on behalf of the public, should be heard before the Auditor. From the nature of the commission entrusted to you, it follows that you must both commit the account to the clerk and afterwards audit it, as well as finally determine on and adjust it, which last is done here by the Comptroller, except in cases where the appointment of a commissioner has been necessary, with authority similar to yours. It is to be apprehended that the accounts will, in many instances, be exhibited to you informally, and as it is not only useful in the first settling of complicated accounts, to adhere to settled forms, but absolutely necessary to the clear and easy understanding of them after they are settled, so it will frequently become necessary to have the accounts restated, and all the vouchers to them numbered by your clerks. And although your own care and attention will always be requisite to detect and discover errors and frauds, yet so much will depend on the accuracy and abilities of the clerks in these investigations, that I cannot too strongly recommend to your attention the choice of able accountants for that purpose.

With respect to the accounts of M. de Beaumarchais, much has been said, and therefore I might dispense, perhaps, with saying anything, but as I have reason to believe that whatever may be the character of the persons concerned, either for abilities or integrity, the business which has passed through their hands has not been well done. I must desire that these accounts undergo your strictest scrutiny. You will probably find some other large accounts which merit a like attention. In every such case, the observations made here will be equally applicable. You are too well acquainted with mercantile business not to know when, and how, and what commissions are chargeable on a transaction. I believe that knowledge and

information on this subject will be found very necessary. They will be indispensable, should it be attempted to charge several commissions on the same thing, whether it be done, openly as such, or covertly, as brokerage, factorage, and the like; or still more covertly, by an increase of the original price. Hence, therefore, it will be found necessary to consider the original prices; and it is much to be lamented that samples of the articles cannot be laid before you, because many have been received, of a quality not only base, but despicable. It is not possible, at this distance of time and place, to ascertain by whom such articles were purchased, and, indeed, many of those which have been shipped have never arrived. Under such circumstances, it becomes your duty to require proof of the quality of such articles as appear charged to the United States; and the idea will naturally suggest itself, that the character of the party making the charge will influence the necessity of such proof, just as the validity of the proof itself will be influenced by the character of the witnesses. Had these transactions been merely confined to the purchase and delivery of goods, they might, perhaps, easily have been investigated; but they extend themselves to many other things, among which is the transportation and expenses incident to it. Under this head, two objects present themselves immediately to view: First, whether due care was taken in the modes of transportation adopted; and, secondly, whether the expense has been reasonable or exorbitant. With respect to the latter, it will certainly be your duty to correct improper or exorbitant charges; but in the former case your conduct must be directed by circumstances in their nature so various as to admit of no prescribed rule, and, therefore, I can only recommend it to you to consult the interests of the United States, as far as the principles of justice will permit. I know it is unnecessary to tell you that the delivery of goods purchased and transported should be shewn before the charges are admitted; but I must desire that the evidence on this subject may be so clear and plain as to enable us to call the receivers of them to account. Cases will doubtless occur of loss by the accidents of the sea and by enemies; these also should be clearly proved, and the causes, as much as possible, investigated.

Your commission will entitle you to aid and protection in the execution of the duties committed to you; and you will make the necessary applications on that subject to the proper persons, when-

ever circumstances shall require. A primary object will be, to discover what sums have at any time or times been paid to the use of the United States. These can, I suppose, be discovered, and the names of the persons to whom they have been paid; although it is possible that in certain cases the persons by whom they have been paid will not be known to you. The first account you form will be a general one, under the title of loans and subsidies obtained in Europe, on account of the United States. The debit of this account you may leave in blank; but the credit side will consist of the sums paid to the use of the United States, and the persons to whom they were paid. Every of these persons will of course be debited in particular accounts for the respective sums so credited. These sums, then, they are to account for, and where they have paid them over to others, such payments are again to be accounted for, until they are traced to a final appropriation, which will be of articles purchased for, or services rendered to, the United States. In the course of this investigation, however, it may happen, that in some case of payment by one to another, the receiver shall not account properly, on which the question will arise, how far the payment is to operate a discharge to the party by whom it was made. This question admits of so many modifications, according to the varieties of possible circumstances, that no provision can be made which will be applicable to all. I have, therefore, thought it best to enclose, for your perusal, the instructions on this subject to the commissioners appointed for settling the old accounts of the civil departments. You will govern yourself by the spirit of these instructions, according to circumstances as they arise.

I have already observed that the final appropriation of moneys must be traced to articles purchased and services rendered; but such a general distinction would not be sufficiently clear in the stating of accounts. You will place this final appropriation, therefore, under one or other of these following general heads:

1st. Salaries and expenses of public Ministers, Commissioners, and Agents. In this account you will charge all moneys advanced to any public servants of the United States in Europe, on account of their salaries or expenses.

2d. Clothier General's Department. In this account you will charge every article of clothing which may have been purchased.

3d. Commissary of Military Stores Department. In this account you will charge all arms, ammunition, and the like.

4th. Quartermaster General's Department. In this you will charge tents, sheet-tin for camp-kettles, and other articles properly belonging to that department.

5th. Marine Department. In this you will charge all moneys expended in building or buying ships of war, and fitting them out, with the incidental charges; also naval stores purchased for the United States, and the like.

6th. Hospital Department. In this you will charge all instruments, medicines, &c., &c., appertaining to that department.

7th. Merchandize General. In this you will charge such articles of stores as do not fall within the second, third, fourth, fifth, and sixth heads, if any such there be; and also any articles which you shall be doubtful as to the account they ought to be carried to.

8th. Transport Service. In this you will charge the purchase, freight, hire, insurance, and the like, of ships or vessels, for the purpose of bringing any articles to America.

9th. Contingent Service. In this you will charge the expense of land transportations, expresses, storage, wharfage, and other like articles; also, all those things which do not fall properly under some other general head.

10th. Prisoners and Americans in Europe. In this you will charge all moneys paid for or to American prisoners, or other Americans, taking care so to designate and specify these charges and the parties, that those who are able may be called on for repayment. The names and usual places of abode will, as far as they are attainable, be of importance.

11th. Foreign Officers. In this you will charge all sums advanced or paid to foreign officers coming to or returning from America.

12th. Interest of Debts. In this you will charge all sums paid on the interest, bills of exchange, issued from the several loan offices, and any other interest moneys which may have been paid.

13th. Bills of Exchange. In this you will charge all sums paid on bills of exchange drawn by order of Congress.

It is not improbable that, in the course of your business, you may find it necessary to raise some other such general accounts, and, if so, you will raise them accordingly. You will take care to attend strictly to the propriety of all charges made, and to the validity of the vouchers by which they are supported. You will examine very particularly into the accounts of armed vessels fitted out in Europe on account of the United States, especially of those wherein any

individuals shall appear to have been interested. And you will bring those persons to account into whose hands any prizes, or moneys for the sales of prizes, may have come, so that justice may be done as well to the public as to the captors concerned therein.

Whenever you finally settle an account, you will take care to be possessed of the several vouchers, which, together with the account, are to be kept in your consular office until further orders; but you will transmit quadruplicate copies of the several general accounts by safe conveyances as soon as possible.

—o—

FROM THOMAS BARCLAY TO ROBERT MORRIS.

L'Orient, February 9, 1783.

Sir,

I had the honor to address you on the 27th, since which I received your favor of the 5th December, covering a commission from Congress, empowering me to examine and settle all the public accounts in Europe. This is a very arduous undertaking, and will require a great deal of industry and attention. All I can at present say is that I shall endeavor to acquit myself in the best manner my abilities will permit me, assuring you that I shall think myself very happy, if I can be made serviceable to my country. I am perfectly satisfied with the determination of Congress respecting the payments intended for my trouble, and I acknowledge very sincerely the great honor their confidence has done me.

I shall pay due regard to the plan you have sketched out for me, and I hope you will occasionally give me such hints and instructions as you think will strengthen me in the pursuit of this great object. I shall not detain you at present longer than to tell you I had a letter a few days ago from Mr. Grand, at Paris, informing me the ratification of the preliminaries were arrived from England, and those from Holland either on the way or would soon follow.

I have the honor to be, &c.,

THOMAS BARCLAY.

—o—

FROM THOMAS BARCLAY TO ROBERT MORRIS.

Auteuil, near Paris, July 20, 1783.

Sir,

Foreseeing that, in the course of the settlement of the public accounts, I should be under the necessity of making frequent appli-

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cation to Dr. Franklin for explanation, I have taken a house near Passy, where I shall remain for the sole purpose of executing the commands of Congress. Agreeably to the powers communicated to me, I have chosen Mr. Matthew Ridley, a gentleman of unblemished reputation and uniform attachment to America, to associate with me in the undertaking, and we shall lose no time in proceeding to do every thing in our power to answer the end of our appointment. At present we have several of Mr. Grand's accounts before us, which must serve as a foundation for the settlement of all others, but we wait for his vouchers, which have been hitherto detained through the indisposition of a clerk.

As M. de Beaumarchais does not choose to settle his accounts in Europe, but has sent them out for the immediate inspection of Congress, it will be unnecessary to say much relating to them. He has stated his reasons in a letter addressed to Congress, which he has shewn to me, and I do not recollect any thing in it which I have occasion to remark, but a misapprehension of M. de Beaumarchais, when he says that Mr. Ridley and myself approved of his appealing to Congress, for neither of us in the smallest degree, directly or indirectly, approved or disapproved of the measure. Our business with M. de Beaumarchais was very simple, it was either to investigate his accounts minutely, or to have nothing to do with them. I have read several letters from Mr. Deane to him, copies of which M. de Francy takes to America, certified that they were compared with the originals; he also takes a certificate that two persons, who have witnessed some papers for M. de Beaumarchais, are notaries appointed by authority; but none of these papers will, in the least, verify any of the charges made in the accounts. The principal inquiries necessary to be made seem to be the propriety of the charge of insurance, which will alone amount to a million of livres, the reasonableness of the prices charged for each article, and the commission for transacting the business.

The settlement of the public accounts in Europe will be a work of considerable time and expense, though my endeavors to get through them as soon as possible shall not be wanting.

I have the honor to be, &c.,

THOMAS BARCLAY.

FROM MONSIEUR LE VAIGNEUR TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

I have the honor to enclose to your Excellency a letter from M. de Beaumarchais, which I request you will be pleased to read and lay before Congress. M. de Francy was at first to have been the bearer of it; but a consumptive disorder under which he has labored for more than two years has hindered him from setting off at the very moment the ship was going to sail, and I had just time to embark in his place, in order to carry on, together with Messieurs Monbos, Latil & Co., of Baltimore, the affairs which had been entrusted to him.

We would sooner have addressed ourselves to your Excellency, if the removal of Congress to Annapolis (which took place about the time of my arrival) and the multitude of public business which we supposed that they had to despatch, had not made us fear their not being able to give their attention to private concerns. We now hope that that sovereign body will be pleased to honor M. de Beaumarchais with an answer, and we take the liberty of soliciting it in his behalf.

It would be impossible for me to add any thing to the force of his reasoning. I shall only take the liberty to sum up, in a few words, his present demands, in order to fix with more precision the two points on which the determination of the honorable Congress ought to bear.

1st. If M. de Beaumarchais chooses to abide by the settlement of his accounts made by Mr. Deane, it is not that he wishes Congress to give a blind assent to what that commissioner has signed, nor does he seek to elude their minutest discussion; he has, on the contrary, annexed to them those pieces which may serve to justify them, and on which even new accounts might be established, if the form of the former could be attained without injuring M. de Beaumarchais's interests; but he abides by the accounts closed by Mr. Deane, because they have been closed since the month of April, 1781, when there was nothing to ascertain that that agent, who till then had been competent to effect all the purchases, had ceased to be so to regulate accounts, which he alone could properly regulate, since he alone knew the nature and could ascertain the value of M. Beaumarchais's

operations. From that same year, 1781, M. de Francy had determined to return to America, in order to terminate the object of his commission. Supposing then that the unhappy state of his health had not been an obstacle to his return, and that he had then presented himself there with the accounts of M. de Beaumarchais closed by Mr. Deane, it is to be believed that Congress would not have declined receiving them, although they might have had them examined and verified afterwards. It would have been the same thing in 1782, if M. de la Couche, who commanded the *Aigle*, and who had been pleased to take charge of these accounts, had not had the misfortune to lose his frigate. Thus, Mr. Barclay's orders, which were received and notified only in 1783, may well extend to the settlement of accounts not yet regulated; but not to those which have been closed for about two years, and would have been laid before Congress two years ago, but for the unlucky circumstances which have constantly prevented it. M. de Beaumarchais has never known any body but Mr. Deane, in all the outfittings he has made to the continent of America; he never treated but on the faith of that agent, and has never been acquainted with any act of Congress taking from him the power of settling the accounts of those very same outfittings which he himself had ordered in the name of the United States. He has then the most powerful motives to abide solely by the account approved and certified by Mr. Deane, and begs that the honorable Congress of the United States will please to acknowledge the same.

2d. Whatever may be the opinion and determination of Congress upon this subject, it is an incontestable truth that the United States are still indebted in considerable sums to M. de Beaumarchais. No remittances have been made him since the year 1780, when M. de Francy brought him bills of exchange; he did not choose to solicit new ones as long as the war lasted; but now that peace and liberty have crowned the noble labors of the Americans, he dares flatter himself that his claims will be hearkened to. The presentation of his accounts has already experienced long delays; new ones may arise before the balance which remains due to him be finally settled; during that interval his necessities are increasing and his operations slackening. The ship *Comte d'Estaing*, which he has sent to the continent with the sole hope of obtaining remittances, is obliged to return to Europe in ballast; the want of his funds may at last throw him into the greatest distress. M. de Beaumarchais, therefore,

earnestly requests Congress to grant him a good sum on account of what they owe him until his accounts are finally adjusted and determined.

He only demands a sum on account, in order to give Congress the necessary time to discuss the remainder; and in case Congress cannot give him ready money or produce, he will be satisfied with draughts on the American Ministers in France similar to those which he received in 1780, part at six and twelve months, part at eighteen months, or even two years sight, in order to give a greater facility to raise the funds at the various terms. This proposition is too just and too moderate not to be well received, and I beg your Excellency will support it with Congress.

I refer as to every thing else to the letter itself of M. de Beaumarchais, to which he expects an answer by the return of his ship Comte d'Estaing, which will sail in the beginning of June. This answer must be very easy to give by the above exposition of his demands, which reduces them to two principal objects, about which Congress are requested to give an immediate determination. It cannot be but a favorable one, considering the goodness of the cause of M. de Beaumarchais, and the acknowledged equity of the Areopagus before whom he supports it.

I am, &c.,

LA VAIGNEUR.

FROM MONSIEUR DE BEAUMARCHAIS TO CONGRESS.

Translation.

*To his Excellency the President and Honorable Members of Congress
of the Thirteen United States.*

Gentlemen,

Mr. Barclay, your Consul General in France, and his respectable associate, Mr. Ridley, have done me the honor to communicate the order and powers which Mr. Barclay has from you, for regulating all the accounts which may concern the United States of America.

In consequence, they very politely desired me to lay before them all my accounts, in order, they said, to accelerate my reimbursement, which thenceforth would not take place but after a settlement by Mr. Barclay of all my advances and receipts relative to Congress.

I gave for answer to Messrs. Barclay and Ridley that all the accounts of my advances to Congress had been discussed, regulated, and closed in April, 1781, by Mr. Silas Deane, the only one of your agents with whom I treated in Europe; who, with me, gentlemen, entered into engagements in your name, and who obtained from me all the advances I made for Congress.

I shewed Messrs Barclay and Ridley the settlement of Mr. Silas Deane, with the vouchers which supported it. I informed them that the accounts of the sums received from Congress in cash and merchandize, in part of my supplies, were the only ones which had not been settled, because they had come to my hands at different times, and even the greatest part after the adjustment by Mr. Silas Deane. I proposed to submit them to these gentlemen, and I begged, for this part of my accounts, that speedy settlement which they had the goodness to offer me for the whole.

Mr. Barclay, gentlemen, has been pleased to inform me that, according to the letter and spirit of his commission, he could not thus separate matters, and that he must regulate anew all my accounts, as if they had not been done by another, otherwise he could take no partial cognizance of any of them. That he was not instructed to acknowledge any settlement made by Mr. Silas Deane, unknown, without doubt, in America. And without paying regard to it, he asked if I was willing to lay before him the whole of my accounts with the States, to discuss, regulate, and proceed to their liquidation.

I will most willingly submit to your examination, sir, said I, the account balanced by Mr. Deane, not to take from my title the force which to his settlement, made more than two years ago, so justly belongs; but in order that you may make to the honorable Congress your observations on this account and its settlement. For this purpose, sir, I shall furnish you with all the vouchers, as I wish for nothing more than to make evident to yourself the exactness and justice of the arrangement of Mr. Silas Deane.

Then delivering, with perfect confidence, to Mr. Barclay the original of my account closed by Mr. Deane, and which he kept as long as he thought proper, I added: My correspondence with Mr. Deane, agent of Congress, sir, which I here lay before you, along with my general account, will prove to you that Mr. Deane alone could undertake the regulation of it; because, having accompanied

me through every stage of my operations, he alone was able to judge of the trouble and cares they occasioned to me, form a just idea of the difficulties I had to overcome, and recollect the obstacles of every kind which I had to remove. Their reading will convince you that he who saw me scattering gold profusely as I went along, (the only means I had of rendering my way practicable,) was the person who could rightly judge of the sums I have expended in the service of your country, and consequently the only proper person to regulate my accounts. They were not the accounts of an ordinary merchant, to whom orders had been sent, while his funds were either assured or remitted beforehand; but those of the indefatigable friend of a virtuous and oppressed people, for whom he sacrificed his time, his health, his own fortune and that of his friends, with no other security for returns but the bare word and powers of this agent of Congress.

Without laying aside the politeness and regard which Messrs. Barclay and Ridley have not ceased to shew me, Mr. Barclay observed, gentlemen, that he did not believe that in April, 1781, Mr. Silas Deane was still invested with necessary powers for regulating an account such as mine.

My answer, which was quite plain, and which I now submit to you, gentlemen, was, that before Mr. Deane's departure in 1778, all my accounts were ready and verified by him, and nothing remained on his part but to give them his final sanction, make three copies, and sign them, when he departed secretly to embark at Toulon with the Count D'Estaing. That, upon his return to France, he came to finish with me what had been left imperfect, assuring me he was sent back to Europe for the sole purpose of regulating all the accounts of supplies with which he had been charged for America, and particularly mine, without having for his country any other public employment. Such was my answer to Mr. Barclay. I also added, that no act, letter, or explanation on the part of Congress, having then come to instruct me whether Mr. Deane had or had not ceased to have the power of regulating affairs which were entered upon solely by himself, I had no reason to refuse credit to the continuance of his commission, and lay before him my accounts with so much the more security on my part, that in his settlement of 1781, his constant signature was Silas Deane, agent of Congress for the said purchases and supplies in Europe.

That since this settlement was concluded, of which I have made exact and certified copies, and sent them to every person interested in my affairs with America, all the subsequent payments and transactions which have taken place between us have been upon the footing of that settlement; and, in short, I had neither liberty or power to submit it now, but for the purpose of verification upon proper vouchers, not to destroy or alter it, so as to affect the validity which it receives from all the formalities which could render it authentic and perfect before all the tribunals of Europe.

Besides, said I to your Consul General, have you the power, sir, to allow me those sums for which I neither ought nor was able to procure a discharge, having thrown them away by handfull for the service of the United States? Have you power, also, to allow me the losses which I have been forced to suffer on bills of exchange, absolutely without credit in Europe, which I was obliged to negotiate at a heavy loss to save myself from ruin, being unable to wait a term of three years for the payment of advances made above six years before? Mr. Deane could regulate the insurances at the rate they then were because he was witness to the dreadful uneasiness of all my copartners when they observed none of these remittances to arrive which he had taught them so long to expect. He might, he was even obliged to give his advice to Congress on the commission suitable to be paid me, because he had observed the extraordinary labors, pains, and disinterested cares of him who, without previously making any stipulation for his generous advances, consented to become the factor of the United States solely because it was agreeable to them.

Again, if differences should arise between us on the subject in debate between us, must we not at last refer them to the determination of Congress, and will, whatever is said here, exempt me from sending my agent to America in order to conclude with the supreme power upon the terms and conditions of the payments to be made me? Let us, then, come to a point; either verify my account which is settled upon vouchers without destroying it, or agree that I immediately send my agent to Philadelphia to humbly present to the Congress my equitable demands, this account, and all the vouchers which justify it.

Mr. Barclay, gentlemen, as well as Mr. Ridley, struck with the force of my reasons, have concluded that I should address myself to

Congress themselves, and send to the continent, by M. de Francy, these accounts with their vouchers. Since, in fact, the first question on which we were divided in opinion (viz: if the settlement made by Mr. Silas Deane in 1781 was valid or not) could only be decided by that body, and then my agent, M. de Francy, will lay before them the just motives of the opposition by my company to the destruction of the only authentic title which we possess in Europe for our debts in America.

This point being fixed I begged these gentlemen to sign and certify that the copies of the papers in support of my accounts regulated by Mr. Deane, were conformable to the originals which I presented to them, and wished to retain in France, being afraid to expose them to the dangers of the sea.

Messrs. Barclay and Ridley have preferred, even desired, that these copies be certified by a notary of Paris, and afterwards authenticated by the city magistrates. But we did not foresee, gentlemen, that by a system of our finance establishment the copies of any accounts cannot be attested by a notary public, without being subject to a particular duty called *droit du contrôle*, which is always proportionable to the sums contained in the accounts, and this would have cost me above twenty thousand livres. I resolved upon procuring from as many of those who had supplied me as I could find in Paris, duplicates of their general accounts and accounts current with me. They went before a notary to certify the truth of these accounts and sign them. The instrument which attests them, well authenticated, with an original duplicate of each account, will be delivered to you by M. de Francy. He will also present you with similar duplicates from those who were absent from Paris, also certified by notaries or magistrates of the places where they reside.

However, gentlemen, I will be permitted to enter seriously upon the principles of this great affair before an august body who are always subsisting; but often composed of new members to whom the nature of my demands and the justice of my complaints are not sufficiently known, if I may judge by the terms of the resolves of Congress, 20 November, 1782, which have been shown me by Mr. Barclay, your Consul General.

These claims, gentlemen, do not deviate from the profound respect which I profess for the honorable Congress, before whom I now have the honor to support them; they are, on the contrary, the strongest

proof of the great value I set upon the esteem and opinion of a brave people for whose sake I have sacrificed my all, and the greater the disparity there is between a simple individual of Europe and the illustrious nation whom you represent, so much the more the great efforts and numerous toils of that man to promote your service, have a right to your esteem, I may add to your gratitude; you cannot, I am sure, refuse a candid hearing to the first European who generously stepped forth to your assistance. Every citizen of the thirteen States was bound to sacrifice to the common cause, to his country, his life, property, and abilities. But I, gentlemen, a stranger to your pretensions and to your contest, born a French citizen, enjoying a quiet life in my own country, devoted myself for yours: ought I to have expected the disgrace I have now incurred of claiming rights too much forgotten, and troubling you with my sad complaints?

Call to mind, gentlemen, those unhappy times, when borne down by the war and British persecution, you sent secret emissaries to all the Powers of Europe, that time when you applied to the great commercial houses of the different Powers without obtaining any succors. Then I alone, gentlemen, the subject of a monarchy, and without any other incitement than my love for the liberty of mankind, and my respect for the virtuous efforts which entitled you to them, I had been laboring for two years to procure you friends in Europe by every means which persuasion and argument could furnish.

A single public paper was proper to give our nation liberal and just notions of your rights, and the wrong done to you by Britain. This was *Le Courier de L'Europe*. It was I, gentlemen, who solicited, who obtained its admission into France, in which there was great difficulty. It was I who composed the first articles which were there read in favor of your cause, and who established the justice of it upon principles since adopted by all sensible people in Europe.

It was I who found out your friends and secret agents in England at the risk of my person, who promised them my cares and efforts, with our Ministers, who in fact returned to plead strongly for you in France, and remind those powerful persons (who knew it better than myself, but whom your situation, and the policy and youth of the King rendered then wavering and circumspect) that the separation of England and America was the greatest interest which could occupy the French Government.

It was I who first solicited the necessary succors for your situation, in a memorial where I strongly maintained the extent of the rights of neutrality, and made application of my principles to present circumstances, and the possibility of my making use of them, in order to assist you; but which could only obtain a bare connivance, and even that very limited and confined, for the animated zeal of a company of merchants which I formed, whose measures not only were unsupported, but their efforts punished upon becoming in the least public. See, upon this subject, gentlemen, my correspondence in cyphers with one of your private agents, Mr. Arthur Lee, then in England, which will be laid before you.

At that very time your acknowledged agent, Mr. Silas Deane, arrived in France; but alone, without money, without credit, or knowledge of any person, and unable to speak French. I met with him at Bordeaux; my regard for your great undertakings attached him soon to my person. He implored my zeal and support, and coming to Paris he disclosed his powers and embarrassment. In vain did he address himself to Ministers; he returned to me, knowing my courage and frankness, and at last began with me to solicit a plan and to carry on the supplies which I have repeatedly made you, and which have been productive of nothing but pain and disappointment.

But what bargain, gentlemen, do you think that this agent made with me? His application to us was by the most earnest entreaties, which we considered as orders. His promises were our only security of payment, but he held out to us the noble reward of being forever reckoned among the best friends of America, and the temptation was too strong to be resisted.

Nobody, then, gentlemen, accosted me in your name without loading me with encomiums, even excessive; every thing which could swell the pride or flatter the vanity of an ordinary man was offered to me. Above all, said they, you will forever be cherished by a virtuous people as one of the first supporters of their liberty. My respect for the cause which they pleaded, and which you supported so nobly with your arms, warming my heart and mind much more than their discourses. I gave myself up entirely to your service, and, regarding nothing else, I became the agent, the apostle, and martyr of your cause in Europe. Read my answer to the English manifesto of Gibbons, in which I was called the instrument

of the perfidy of our Ministers. But above all, read attentively my correspondence with Mr. Deane; it will give you an idea of my labors, my efforts, my disappointments, and indefatigable activity in your service. It will show what a single man could do for you—a man who now blushes to have to justify before your assembly his conduct and generous proceedings.

Surely, gentlemen, had I been only an ordinary merchant, greedy to increase his substance from your distresses, is there a single advantage which I could not then have exacted and demanded from you.

I could have fixed the profits which my avidity would have prompted me to impose, and would have obtained them. Far from me these vile motives and mercenary precautions. From a Frenchman, that I was, I became an American merchant, a politician, and a writer. I imparted my warmth to honest but timid minds, and formed a society under a name unknown; I gathered together merchandize and warlike stores in all our ports, always under fictitious names. Your agent was to have provided vessels to transport them to America, but not one could he find; and it was still I who, with double zeal and labor, succeeded in procuring them for him at Marseilles, Nantes, and Havre, paying out of my own pocket two thirds of the freight in advance, and finding surety for the remainder.

The most severe orders thwarted every where my operations. What I could not accomplish in open day was executed in the night. If Government caused my vessels to be unloaded in one port, I sent them secretly to reload at a distance in the road. Were they stopped under their proper names, I changed them immediately, or made pretended sales, and put them anew under fictitious commissions. Were obligations in writing exacted from the captains to go no where but to the West India Islands, powerful gratifications on my part made them yield again to my wishes. Were they sent to prison on their return for disobedience, I then doubled their gratifications to keep their zeal from cooling, and consoled them with gold for the rigor of our Government. Voyages, messengers, agents, presents, rewards, no expense was spared. One time, by reason of an unexpected counter order, which stopped the departure of one of my vessels, I hurried by land to Havre twenty-one pieces of cannon, which, if they had come from Paris by water, would have retarded us ten days.

Thus I scattered money every where to surmount the obstacles which constantly came in the way, and thinking it injurious to the nation which I served to doubt of her gratitude being fraught with the generous sentiments which actuated myself, I regarded as straw the money I distributed for her, happy in the power at such a price to procure her speedy assistance.

And when your agent, gentlemen, admired, encouraged these sacrifices, in boasting of the obligations his country was forever laid under to me, I was far from imagining that this nation, after obtaining her freedom, instead of acquitting herself towards me of the engagements made on her behalf, should send new agents to sift minutely every article of my account, already regulated; oblige me, after seven years' patience and suffering, to submit to the injurious discussion, to the minute calculation of every object of my advances, and, forgetting my character and services, at last treat me as a petty trader, who thinks himself too happy in receiving a commission and money to purchase rags in Europe.

By what inconceivable subversion of every principle, gentlemen, have I, then, experienced, from the time of my supplies to this day, nothing but ingratitude, injustice, and hardships in every thing which relates to your service?

Not only have the returns so solemnly promised, which should have arrived in Europe within one year at farthest, never appeared in our ports, but when my own vessels, at the expense of millions, have brought me from the continent trifling quantities of merchandize, I must be obliged, in order to have them, to enter into disputes with your agents in Europe, who took possession of them by authority under pretence of their necessity. To wrest them from me has it not been scandalously carried so far as to go to law with me, and have I not been forced to betake myself to menaces, to complain to our Ministers, to France, to America, to all Europe.

If the astonishment of this recital leads you to think, gentlemen, that I am imposing, see upon the return of the *Amphitrite*, *Amelia*, and *Theresa*, my letter to your agents in France, the one I wrote to the Count de Vergennes, the answer of that wise Minister, and his reproaches for the vivacity of my expressions, although he acknowledged kindly all the justice of my resentment and complaints.

The strongest and most just anger, gentlemen, could thus of itself alter my disposition and style with your agents, and ought, perhaps,

to excuse the sharpness of it. But compare, gentlemen, that pointed letter with those I had the honor to write to yourselves in 1776, full of nothing but that ardent zeal which made me espouse your cause. In reading them, gentlemen, conceive, if possible, my grief and amazement at having never received from you any answer, and to have been three years in searching for, without finding, a solution of that incredible problem.

In truth, gentlemen, I was ignorant that every one seeking to draw to himself the merit of what I alone had performed, deceived you shamefully with regard to me. According to these intriguers I was but an obscure fantastic being, who served as a cloak to cover the generous acts which each of them boasted to have been the means of obtaining gratuitously from the King; and while I was undoing myself by loans, payments, interest, and hazardous operations, in order to ward off my ruin in waiting for your returns, which never came to hand, they thought it was too much honor on the continent to make use of my supplies without being at the trouble of acknowledging even their receipt.

So many outrages, gentlemen, your obstinate silence, the want of returns, which Mr. Deane excused, as he was able on account of the unhappiness of the times, have at last obliged me to send you an agent, to whom I have promised the commission of two and a half per cent. on all my payments which is placed to your account. This is M. de Francy, who has again the honor to lay before you my claims.

By him I have been informed of the horrible, unworthy, and miserable conduct of all those who wanted to prejudice you against me.

It is to his care I owe the tardy acknowledgment which you at length made of my debt, and the bills of exchange which you sent me in 1779, payable at three years' date, for what had been advanced above six years, and should have been paid in six months.

Finally, it was with him that in 1781 my accounts were regulated by Mr. Silas Deane, and was interpreter for him in 1776, when we did not speak the same language.

I send him now, gentlemen, to present you with this letter, to call upon your justice, to lay before you my accounts of every kind in your affairs, to obtain the liquidation, and to receive payment. I expect from you, gentlemen, honorable treatment, and such as my

zeal and conduct towards you have given me a right to depend upon; and as the acquittance of a debt of honor is no reward for such services as mine, when you have done me this justice, I demand from you, gentlemen, public marks of your esteem. Let them be the noble recompense of my exertions for you in Europe, where I have not ceased, for eight years, to solicit our Ministers, by repeated memorials, on the political and commercial interests of your new Republic. These wise Ministers are still existing to bear me an exalted testimony. They have been more than once astonished at the constant activity of my zeal, for they were not ignorant of the heavy subjects of complaint which I had to make against those whom I served so warmly. Give me, then, gentlemen, my due, and distinguishing the zealous friend who relieved your necessities from those whom your misfortunes have enriched, do not lengthen out my sufferings by referring to other judges a settlement which I will not receive but from yourselves.

If I should have the misfortune not to obtain that honorable justice, in return for so many proofs of attachment; stung with vexation, and mortally wounded, what, then, remains for me to do. Must I, gentlemen, shaking the dust off my feet, upon all my American connexions, demand justice at the bar of Europe, by publishing what I have done, advanced, suffered, and kept secret to this moment, for the support of your cause and maintenance of your honor.

You will not reduce me, gentlemen, to that horrible extremity. My heart, my conduct, and your equity, assure me of it.

Ye Representatives of a noble and free nation, rivals of the most haughty sovereigns, the friends and the allies of my King, you are sensible that it is just, honorable, and without danger to your glory, to recollect that an individual of Europe has had the courage to espouse your interests when every one disdained them; and that he dared to send you, at the risk of his health, of his fortune, and of his life, the first generous succors you received from our continent.

I am, with the most profound respect, gentlemen, your very humble and very obedient servant,

CARON DE BEAUMARCHAIS,
*Formerly known in America as the firm of
Roderique Hortals & Co.*

FROM THOMAS BARCLAY TO ROBERT R. LIVINGSTON.

Auteuil, near Passy, September 14, 1783.

Sir,

To the copy of what I had the honor of writing to you the 20th July, which accompanies this letter, I beg leave to inform you that the Marquis de la Fayette, who is now in Lorraine, thought proper, sometime ago, to consult me on the propriety of his immediately embarking for America. He seemed much at loss upon the subject, as, on the one hand, he supposed that his presence with the army might be of some service; and, on the other, that he might be very useful here, as the Court of France seems determined on adopting some commercial regulations respecting the trade to be carried on between the United States and their West India colonies. Upon considering the matter, I did not hesitate to give the Marquis my opinion that it would be best for him to remain in France, either until he received the commands of Congress to return, or until the necessity of his going to America would be more apparent. He seems to have adopted this opinion, for he not only requested that I would communicate what passed to Congress, but has written to me from Nancy, to put me in mind of it; and, therefore, his desire that I would do it will be my apology for troubling you about the matter. The Marshal de Castries has been so obliging as to converse with a few Americans on the subject of the intended regulations. The hints which he let fall came very short of my wishes, and therefore I shall endeavor, before any thing is done, to procure a consultation between him and the American Ministers at this Court. He proposes seeing me some time hence upon this business, when I shall refer him finally to Mr. Franklin, Mr. Adams, and Mr. Jay, to whom I will communicate my sentiments in the mean time. I believe it is intended to make L'Orient a free port, but I know nothing officially about it. My next will give you some particular information; meantime I have the honor to be, sir, &c.,

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO THE PRESIDENT OF CONGRESS.

L'Orient, September 17, 1784.

Sir,

I have the honor to inform your Excellency that an express arrived here yesterday from Paris, with letters from the agents who

were employed to adjust the privileges and immunities of this place, with information that his Majesty's *arrêt* of the 14th May last would be renewed in every particular, except that the manufacturing of tobacco will not be permitted. In this case the port and town will be equally free, and the new *arrêt* is expected in a few days.

Some months ago, Lieutenant Colonel Franks arrived in France, with very strong recommendations from several of the most respectable merchants of Philadelphia, and from Mr. Livingston, the late Secretary for Foreign Affairs. His object was the Vice Consulship of Marseilles; but the office was filled by Mr. Etienne Cathalan, of that place, who is a gentleman of character and ability. I declined making any alteration, though Colonel Franks informed me that Congress were making such regulations in the consular department as would not admit that office being filled by any other than a citizen of the United States. A copy of these regulations having been transmitted to me by his Excellency Doctor Franklin, and Mr. Franks having renewed his application, I do not think myself at liberty longer to decline it, and, therefore, I shall give him a commission for the execution of the office. I have thought it proper to apprise you of this appointment, and remain, with the greatest respect, &c.,

THOMAS BARCLAY.

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FROM ROBERT MORRIS TO THE PRESIDENT OF CONGRESS.

Office of Finance, March 8, 1784

Sir,

I do myself the honor to enclose to your Excellency for the inspection of the United States in Congress, the copy of a letter of the 23d of last October, from Thomas Barclay, Esq., which did not come to hand until this morning.

With proper respect, &c.,

ROBERT MORRIS.

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FROM THOMAS BARCLAY TO ROBERT MORRIS.

L'Orient, October 23, 1783.

Sir,

Enclosed is the account of the sales of the ship *Duc de Lauzun*, balanced by the payment being remitted to Mr. Grand, on account of the United States, forty thousand two hundred and fifty-eight livres.

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This sale would have been made long ago, but I was obliged to postpone it twice from the bad prospect of selling her. I was once in hopes that Government would have purchased her for a packet-boat; but the Mareschal de Castries, to whom I offered her, declined it. Mr. Ridley and myself have been for some time at work on the public accounts, and will continue our best endeavors to arrange them. They are mixed and perplexed a good deal, much inquiry and explanation is necessary, and the work will be tedious. I do not expect to be able to exhibit any thing satisfactory for a considerable time; and if I can, by the month of October next, make a tolerable settlement, I shall think myself happy.

Give me leave just to take notice of two accounts, which are in a state of suspense, and concerning which applications probably have been made to Congress. The one is that claimed by Messrs. Schweighauser & Dobré, of Nantz, for supplies furnished the Alliance; there is no doubt but the ship received all the articles charged, for I have examined the vouchers; but the Court of France had taken upon itself the outfit at that time; Doctor Franklin had absolutely prohibited Mr. Schweighauser from furnishing any thing; Mr. Schweighauser confirmed those orders from Nantz to his house of Puchelberg & Co. here, who, contrary to the instructions of their principal, fitted out the Alliance, and continue to claim from the United States an expense which, if they had not forced their services, would have been furnished by the Court of France, agreeably to the arrangement of Mr. de Sartine, the Marine Minister. There are, however, a few articles that ought to be paid for, which I have offered to settle with Mr. Dobré, Mr. Schweighauser being dead. For this demand the public stores in the arsenal at Nantz are under attachment, and were so several months without my knowing it, when I took some arrangements for the transporting a part to America, and was refused them. I believe, however, that this attachment will be taken off by the time I return to Nantz, as I am informed that the Mareschal de Castries has written to this place on the subject, and has recommended the removal of it. The other account which I allude to, is that of Messrs. John de Neufville & Son, of Amsterdam. When I was at that place, those gentlemen produced an account, on which they claimed a considerable balance from the United States. At that time I had no commands from Congress to liquidate any of the public accounts; but, with the concurrence of Messrs.

de Neuville, I wrote to Dr. Franklin, recommending it to him to permit me finally to settle this one by an arbitration of two or more persons, to be indifferently chosen at Amsterdam, to which Mr. Franklin readily consented. I remained at Amsterdam on purpose for this answer, but when it came, Messrs. de Neuville altered their minds, and refused to submit the matter to any persons. I write the fact simply without any observations; but I thought the accounts merited an investigation. And my only motive for now giving you the trouble of these particulars is to shew you that there were no obstructions thrown in the way by the servants of Congress to a settlement in Holland.

The underwriters on the Elizabeth have an action depending in England, and insist on my waiting the determination. I expect a suit at law with them.

Mr. Franklin is making out a copy of his bill book, Mr. Jay has written to Madrid concerning his, and Mr. Adams has furnished his; in which, from an inspection I have made, there appears one bill to have been twice paid. I shall give you a more particular statement when I have been enabled to compare the bills which are in the hands of Fizeaux Grand & Co., of Amsterdam, with the account. The Polacre Caprice, Joachim la Douarin, master, from Rochfort to Philadelphia, with the remainder of the public stores that lay there, will proceed as soon as possible, and the bills of lading will be forwarded you from thence by Mr. Zachariah Loreilhe.

I have the honor to be, &c.,

THOS. BARCLAY.



FROM THOMAS BARCLAY TO THE PRESIDENT OF CONGRESS.

L'Orient, November 15, 1784.

Sir,

I have the honor to enclose you two letters, one of which was sent to my care by Mr. Adams, the other from Mr. Dumas at the Hague, together with one addressed to Mr. Van Berckel.

You will doubtless have information in these letters that the Emperôr is marching forty-five thousand troops to the Low Countries, and that the Imperial and Dutch Ministers are withdrawn from the Courts of each other. This seems to be the only news at present

of any consequence. The town and port of L'Orient are now free to the vessels of every nation, and open for the reception and sale of any article of commerce save manufactured tobacco and the private trade from India, the last continuing under the late prohibition.

I beg leave to assure you that I am, with great respect, &c.,
THOMAS BARCLAY.

FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, April 15, 1785.

Sir,

I have the honor of sending you, herewith enclosed, four copies of "a statement of the duties payable by vessels of the United States of America in the ports of Marseilles, Bayonne, L'Orient, and Dunkirk." I think it would be well to inform yourself and me whether Spain pays exactly the same duties.

I also send by this opportunity a copy of it to Mr. Jefferson, whom Congress has been pleased to appoint their Minister Plenipotentiary at the Court of Versailles, in the room of Doctor Franklin, who, at his request, has leave to return.

The Treasury Department is again organized. Mr. Osgood and Mr. Walter Livingston, two of the commissioners lately appointed, having accepted and proceeded to do business. Mr. Gervais, of South Carolina, who had also been appointed, declining to serve, others have been put in nomination, and a third commissioner will soon be elected.

I shall be happy to receive from you such information from time to time as you may think useful or interesting. Be pleased to make my compliments to Mrs. Barclay, and believe me to be, dear sir, with great esteem, &c.,

JOHN JAY.

FROM THOMAS BARCLAY TO JOHN JAY.

L'Orient, April 17, 1785.

Sir,

I must entreat the favor of you to lay a request, which I make through you, before Congress; and beg you will favor me with an answer as soon as convenient.

It is for permission to return to America, where the state of my

private affairs very much requires my presence for a short time, and where I may, personally, be able to communicate the particulars of those transactions that have passed through my hands since I had the honor of being a servant of the public. Added to these considerations there are some arrangements necessary to be made in the consular department, and it would be a favorable opportunity for me to take the commands of Congress on that subject.

I have the honor to be, &c.,

THOMAS BARCLAY.

FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, July 15, 1785.

Sir,

I have now the pleasure of enclosing a copy of an act of Congress, granting you the permission requested in your letter of the 17th April last to return to this country in the fall, and pass the winter in it. This letter will be accompanied by a packet of newspapers, which will inform you of the most recent occurrences here. Governor Rutledge is appointed Minister to the Hague, and we hope it will be agreeable to him to accept that place; but his answer has not yet reached us. As yet we have no advices of Mr. Adams being in London, though we have reason to think that he must have gone there long before this time. Doctor Franklin is probably on his way here; if not be pleased to inform me of it by the next packet, for I omit writing to him only from an apprehension that my letters would arrive in his absence.

I am, &c.,

JOHN JAY.

FROM THOMAS BARCLAY TO JOHN JAY.

Paris, August 7, 1785.

Sir,

Having just heard of a ship bound from Amsterdam to America, I take the chance of reaching her by this post to inform you that I have received a letter from Bordeaux, with advices that the Algerines have declared war with the United States, and are fitting out several vessels to cruise against them. I have this matter confirmed from L'Orient,

and, therefore, though possibly it may not prove true, I think it my duty to mention it to you, submitting to your judgment what use you will make of the report, or whether it will be proper to mention it at all until it is confirmed or contradicted, which shall be as soon as I get any further information. I would forward you the original intelligence, but I sent it to Mr. Jefferson, and cannot recover it in time for the post in Holland.

A few days ago I received your letter, with the enclosures, relative to the expenses of the free ports; and will send you the papers you want as soon as they can be completed.

I remain, &c.,

THOMAS BARCLAY.

FROM MR. FOULANGE TO THE DIRECTORS OF COMMERCE OF THE
PROVINCE OF GUYENNE.

Translation.

Toulon, July 14, 1785.

Gentlemen,

Mr. de Ligondes, who has just arrived from Algiers, on board of the frigate *Minerva*, of which he is commander, informs me that that Regency was arming eight vessels (xebecks and barques) of from eighteen to thirty-four guns, destined to cruise from Cape St. Vincent to the Azores, for the purpose of capturing vessels of the United States, against whom they have declared war. I hasten, gentlemen, to give you notice of this, not only on account of the interest which your place may have in those vessels, but also that you will have the goodness to make it known to the American captains. The Algerines have another division of four vessels, but they are too small to cause uneasiness.

I have the honor, &c.,

FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, August 3, 1785.

Sir,

In my letter to you of the 15th ultimo, by the French packet, I had the pleasure of enclosing the copy of an act of Congress, (of which I now send a duplicate,) permitting you to come here in the fall, and return early in the spring.

I have now the honor of transmitting to you, herewith enclosed, a copy of another act of Congress of the 18th ultimo, calling for an abstract of the settlement you have made of the accounts of the United States, and others who have been entrusted with the expenditures of public moneys in Europe.

With sincere esteem and regard, I am, &c.,

JOHN JAY.

Extract from the Journal of Congress, July 3, 1785.

On motion of Mr. McHenry,

Ordered, That T. Barclay, Commissioner for Accounts in Europe, report to Congress an abstract of the settlement he has made of the accounts of the servants of the United States, and others who have been entrusted with the expenditure of public moneys in Europe.

FROM THOMAS BARCLAY TO JOHN JAY.

Paris, October 11, 1785.

Sir,

I am favored with your letter covering a resolution of Congress that I shall furnish an abstract of the public accounts which I have settled.

I shall leave Paris in about ten days, before which time I expect to be able to send out some that are now arranging, together with the abstract desired and my own account with the United States. In the mean time,

I have the honor to be, &c.,

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO JOHN JAY.

Cadiz, May 14, 1786.

Sir,

Before my departure from Paris I had the pleasure of receiving a letter from you, desiring me to send you an account of the expenses which are paid at the four free ports in France by American and Spanish vessels. It was my intention, after collecting these papers, to send them out to you under one view; but I have been disap-

pointed in procuring them, for reasons that I cannot well explain, because I am not entirely master of them.

That from Mr. Francis Coffin, of Dunkirk, has got to St. Germain, where my papers and family are, and I have directed Mr. Frederick Ast to forward you three copies of it.

Mr. Etienne Cathalan, of Marseilles, wrote me that he made various applications there without success, and that a great backwardness appeared both in the Spanish Consuls and in the custom-house officers to give it to him. I have again requested his attention to the subject.

At L'Orient I met with the same obstacle ; was repeatedly promised the papers, and my stay there being short, Mr. Zachariah Loreille undertook to send it to you.

Enclosed you have that from Bayonne, in which the charges of Spanish and American ships are the same, and amount to 150 livres 12 sols. There is one article in all the ports of France which appears to me a grievance, and which I wish our ships could get clear of ; I mean that of brokerage, a charge for little or no service, from 40 to 80 livres on each vessel. What I think much wanted, is a permission for the Americans to do their business themselves, and not to be obliged to pay a broker whether he is employed or not.

The charge for this article at L'Orient would by this time have been 100 or 120 livres, owing to the encroachment of the broker, had I not opposed him, and even suffered an action at law to be brought against me. In all your commands I beg you will believe me, with great respect, dear sir,

Your very obedient humble servant,

THOMAS BARCLAY.

CHARGES AT THE PORT OF BAYONNE.

	<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Entry at the bar, where a boat must be taken.....	16	6	0
Another boat must be taken to come up the harbor.....	13	6	0
And if any more boats are employed, which are optional, the same price for each.			
Brokerage for doing the ship's business, entering, and clearing her.....	40	0	0
Charges of Admiralty and passports.....	82	0	0
	<i>Livres,</i>	<u>151</u>	<u>12 0</u>

PARTICULARS of Port Charges at Dunkirk on a French or Spanish Vessel of the burthen of one hundred tons, from a Coasting Voyage, viz:

	<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Assistance of a boat inwards.....	9	0	0
Pilotage inwards, at 3s. per ton.....	15	0	0
Report of the Admiralty.....	4	0	6
Hire of skeeds when employed.....	3	0	0
Gauger's fees for measuring.....	1	10	0
Admiral's passport.....	2	8	9
Registering the same, key-master's fees, searchers, &c....	6	17	6
Ballast, 20 tons, at 12s. per ton.....	12	0	0
Pilotage outwards, at 2s. per ton.....	10	0	0
Broker's and Interpreter's fees.....	40	0	0
	<i>Livres,</i>	<u>103</u>	<u>16 9</u>

N. B. When an anchor and cable is left in the roads, 6s. per ton on the burthen of the ships is paid for salvage. The French and Spanish ships pay no bank pilotage.

PARTICULARS of Port Charges at Dunkirk on a Foreign Ship of the burthen of one hundred tons from a Coasting Voyage, (i. e.) English, Dutch, Danes, Swedes, Americans, and others, viz :

	<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Assistance of a boat inwards	9	0	0
Pilotage inwards, 5s. per ton	25	0	0
Report of the Admiralty	4	0	9
Hire of skeeds when employed	3	0	0
Gauger's fees for measuring the ship	3	0	0
Anchorage, at 3s. per ton	15	00	
6s. per livre on do	4	10	
	—	19	10 0
Admiral's passport	2	8	9
Registering the same, key-master's fees, searchers, &c....	6	17	6
Ballast, 20 tons, at 12s. per ton	12	0	0
Pilotage outwards, at 4s. per ton	20	0	0
Broker's and Interpreter's fees for assisting the master in his report at the Admiralty, custom, and Navy offices, proving his clearances, and assisting in all his transactions	40	0	0
	<i>Livres,</i>	<u>144</u>	<u>16 9</u>

N. B. When an anchor and cable is left in the roads, 3s. per ton is paid on the burthen of foreign vessels for salvage, such vessels pay for bank pilotage 4s. per ton over and above the in and outward pilotage mentioned in the above account when the masters take a pilot to carry them through the banks.

The report of a vessel from a long voyage called *long cours*, is 12*liv.* 10s. 6*d.*, instead of 4*liv.*

The Admiral's passport for a long voyage is 12*liv.* 8s. 9*d.*, and the registering the same, key-master's fees, searchers, &c., is 15*liv.* 7s. 6*d.*, instead of 6*liv.* 17s. 6*d.*

CORRESPONDENCE

OF

BENJAMIN FRANKLIN.

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CORRESPONDENCE.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Passy, September 10, 1783.

Sir,

I have received a letter from a very respectable person in America containing the following words, viz :

“It is confidently reported, propagated, and believed by some among us, that the Court of France was at the bottom against our obtaining the fishery and territory in that great extent, in which both are secured to us by the treaty; that our Minister at that Court favored, or did not oppose this design against us, and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained these important advantages.”

It is not my purpose to dispute any share of the honor of that treaty which the friends of my colleagues may be disposed to give them; but having now spent fifty years of my life in public offices and trusts, and having still one ambition left, that of carrying the character of fidelity, at least, to the grave with me, I cannot allow that I was behind any of them in zeal and faithfulness. I, therefore, think that I ought not to suffer an accusation, which falls little short of treason to my country, to pass without notice, when the means of effectual vindication are at hand. You, sir, were a witness of my conduct in that affair. To you and my other colleagues I appeal by sending to each a similar letter with this, and I have no doubt of

your readiness to do a brother Commissioner justice by certificates that will entirely destroy the effect of that accusation.

I have the honor to be, &c.,

B. FRANKLIN.

—o—

FROM JOHN JAY TO BENJAMIN FRANKLIN.

Passy, September 11, 1783.

Sir,

I have been favored with your letter of yesterday, and will answer it explicitly. I have no reason whatever to believe that you were averse to our obtaining the full extent of boundary and fishery secured to us by the treaty. Your conduct respecting them throughout the negotiation indicated a strong, a steady attachment to both those objects, and, in my opinion, promoted the attainment of them.

I remember that in a conversation which M. de Rayneval, the first Secretary of Count de Vergennes, had with you and me, in the summer of 1782, you contended for our full right to the fishery, and argued it on various principles.

Your letters to me when in Spain, considered our territory as extending to the Mississippi, and expressed your opinion against ceding the navigation of that river in very strong and pointed terms.

In short, sir, I do not recollect the least difference in sentiments between us respecting the boundaries or fisheries. On the contrary, we were unanimous and united in adhering to and insisting on them. Nor did I perceive the least disposition in either of us to recede from our claims to be satisfied with less than we obtained.

I have the honor to be, &c.,

JOHN JAY.

—o—

FROM JOHN ADAMS TO BENJAMIN FRANKLIN.

Paris, September 13, 1783.

Sir,

I have received the letter which you did me the honor to write on the 10th of this month, in which you say you have received a letter from a very respectable person in America, containing the following words, viz: "It is confidently reported, propagated, and believed by 'some among us, that the Court of France was at the bottom against 'our obtaining the fishery and territory in that great extent in which 'both are secured to us by the treaty; that our Minister at the 'Court favored, or did not oppose this design against us, and that it

‘was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained those important advantages.’”

It is unnecessary for me to say any thing upon this subject more than to quote the words which I wrote in the evening of the 30th of November, 1782, and which have been received and read in Congress, viz: “As soon as I arrived in Paris, I waited on Mr. Jay, and learned from him the rise and progress of the negotiation. Nothing that has happened since the beginning of the controversy in 1761, has ever struck me more forcibly or affected me more intimately than that entire coincidence of principles and opinion between him and me. In about three days I went out to Passy, and spent the evening with Dr. Franklin, and entered largely into conversation with him upon the course and present state of our foreign affairs. I told him my opinion without reserve of the policy of this Court, and of the principles, wisdom, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence, and that I was determined to support Mr. Jay to the utmost of my power in pursuit of the same system. The Doctor heard me patiently, and said nothing.”

“The first conference we had afterwards with Mr. Oswald in considering one point and another, Dr. Franklin turned to Mr. Jay, and said, ‘I am of your opinion, and will go on with these gentlemen without consulting this Court.’ He has accordingly met us in most of our conferences, and has gone on with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and reputation, in the whole negotiation.”*

I have the honor to be, &c.,

JOHN ADAMS.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, September 13, 1783.

Sir, I received, a few days since, the private letter your Excellency did me the honor of writing to me of the 13th of June. I regret with you the resignation of the late Secretary. Your present cares are increased by it, and it will be difficult to find a successor of equal abilities.

* For further information on this subject, and particularly for an account of the part taken by Dr. Franklin in the negotiation before he was joined by Mr. Jay and Mr. Adams, see the *North American Review* for January, 1830, p. 15 et seqq.

We found no difficulty in decyphering the resolution of Congress. The commissioners have taken no notice of it in our public letter.

I am happy to hear that both the device and workmanship of the medal are approved with you, as they have the good fortune to be by the best judges on this side of the water. It has been esteemed a well-timed as well as a well-merited compliment here, and has its good effects. Since the two first, which you mention as received, I have sent, by different opportunities, so many as that every member of Congress might have one. I hope they are come to hand by this time.

I wrote a long letter to Mr. Livingston, by Mr. Barney, to which I beg leave to refer, enclosing a copy.

We had, before signing the definitive treaty, received the ratification of the preliminary articles by his Britannic Majesty, exchanged with us by Mr. Hartley for that of the Congress. I send herewith a copy of the first and last clauses.

In a former letter I mentioned the volunteer proceedings of a merchant at Alicant towards obtaining a treaty between us and the Emperor of Morocco. We have since received a letter from a person who says, as you will see by the copy enclosed, that he is sent by the Emperor to be the bearer of his answer to the United States, and that he is arrived in Spain on his way to Paris. He has not yet appeared here, and we hardly know what answer to give him. I hope the sending a Minister to that Court, as recommended in my last, has been taken into consideration, or at least that some instructions respecting that nation have been sent to your Minister in Spain, who is better situated than we are for such a negotiation.

The Minister from Denmark often speaks to me about the proposed treaty, of which a copy went by Mr. Barney. No commission to sign it, nor any instructions from Congress relating to it, are yet received; and though pressed, I have not ventured to do any thing further in the affair.

I forward herewith a letter to the Congress from the city of Hamburg. I understand that a good disposition towards us prevails there, which it may be well to encourage.

No answer has yet been given me from the Court of Portugal, respecting the plan of a treaty concerted between its Ambassador here and me. He has been unwell and much in the country, so that I have not seen him lately. I suspect that the false or exaggerated reports of the distracted situation of our Government, indus-

triously propagated throughout Europe by our enemies, have made an impression in that kingdom to our disadvantage, and inclined them to hesitate in forming a connexion with us. Questions asked me, and observations made by several of the foreign Ministers here, convince me that the idle stories of our disunion, contempt of authority, refusal to pay taxes, &c., have been too much credited, and been very injurious to our reputation.

I sent before a copy of the letter I wrote to the Grand Master of Malta, with a present of our medal. With this you will have a copy of his answer. I send also a copy of a note I received from the Pope's Nuncio. He is very civil on all occasions, and has mentioned the possibility of an advantageous trade America might have with the Ecclesiastical State, which he says has two good ports, Civita Vecchia and ———.

This Court continues favorable to us. Count de Vergennes was resolute in refusing to sign the definitive treaty with England before ours was signed. The English Ministers were offended, but complied. I am convinced that Court will never cease endeavoring to disunite us. We shall, I hope, be constantly on our guard against those machinations, for our safety consists in a steady adherence to our friends, and our reputation in a faithful regard to treaties, and in a grateful conduct towards our benefactors.

I send herewith sundry memorials recommended to my care by Count de Vergennes, viz: one respecting a claim of Messieurs Fosters, of Bordeaux; one of M. Pequet; and one of M. Bayard. The Congress will take such notice of them as they shall think proper.

With great esteem, &c.,

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO LEWIS R. MORRIS.*

Passy, September 14, 1783.

Sir,

I received by the Washington the bills and accounts mentioned in yours of the 5th June, and shall soon send you an account of the disposition of the money.

My account as stated by you appears to be correct.

With much esteem, &c.,

BENJAMIN FRANKLIN.

* Mr. Morris was a Secretary in the Department of Foreign Affairs.

FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

Bath, September 24, 1783.

My dear Friend,

I am at present at Bath, with my dearest sister, whom I have found as well as I could have expected, and I hope with reasonable prospect of recovery in time. I have seen my friends in the ministry, and hope things will go on well ; with them I am sure all is right and firm. The chief part of the Cabinet Ministers are out of town, but there will be a full Cabinet held in a few days, in which a specific proposition, in the nature of a temporary convention, will be given in instructions to me ; I imagine nearly upon the ground of my memorial of May 19th, 1783, which I delivered to the American Ministers, viz: "American ships not to bring foreign manufactures into Great Britain, nor to trade directly between the British West Indies and Great Britain ;" all the rest to be as before the war. I expect that something to this effect will be their determination in the affair, and if it should be so, I shall hope not to meet with difficulty on your parts. I want to see some specific beginning. As to any further proposition respecting the trade between Great Britain and the British West Indies, I doubt whether any such can be discussed before the meeting of Parliament. I wish to look forward not only to the continuation of peace between our two countries, but to the improvement of reconciliation into alliance, and therefore I wish the two parties to be disposed to accommodate each other, without the strict accounts by weights and scales, as between aliens and strangers, actuated towards each other by no other principle than cold and equalizing indifference. Friendly dispositions presumed have their fairest chance of being realized, but if we should set out presuming against them, the good which might have happened may be prevented. Pray remember me to your three colleagues, and to all friends.

Yours ever, most affectionately,

D. HARTLEY.

P. S. I have put in a word for our Quaker article, and I hope with some impression.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, September 27, 1783

Sir,

Mr. Thaxter, late Secretary of Mr. Adams, who is charged with all our despatches that were intended to go by the French packet boat, writes from L'Orient, that though he arrived there two days before the time appointed for her sailing, he missed reaching her by four hours; but another light vessel was fitting, and would sail the 21st instant, in which he hoped to arrive at New York nearly as soon as the packet. We shall send duplicates by the next from hence.

In the meantime I enclose a printed copy of the definitive treaty, which I hear is ratified. Indeed we have the ratification of the preliminaries.

Mr. Hartley, when he left us, expected to return in three weeks, in order to proceed with us in forming a treaty of commerce. The new commission that was intended for us is not yet come to hand.

With great respect, I have the honor to be, sir, &c.,

B. FRANKLIN.



FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, October 16, 1783.

My dear friend,

I have nothing material to write to you respecting public affairs, but I cannot let Mr. Adams, who will see you, go without a line to inquire after your welfare, to inform you of mine, and assure you of my constant respect and attachment.

I think with you that your Quaker article is a good one, and that men will in time have sense enough to adopt it; but I fear that time is not yet come.

What would you think of a proposition, if I should make it, of a compact between England, France, and America? America would be as happy as the Sabine girls, if she could be the means of uniting in perpetual peace her father and her husband. What repeated follies are those repeated wars! You do not want to conquer and govern one another. Why then should you be continually employed in injuring and destroying one another? How many excellent things might have been done to promote the internal welfare of each country; what bridges, roads, canals, and other useful public works

and institutions, tending to the common felicity, might have been made and established with the money and men foolishly spent during the last seven centuries by our mad wars in doing one another mischief! You are near neighbors, and each have very respectable qualities. Learn to be quiet, and to respect each other's rights. You are all Christians. One is *the most Christian King*, and the other *defender of the faith*. Manifest the propriety of these titles by your future conduct. "By this," says Christ, "shall all men know that ye are my disciples, if ye love one another." Seek peace, and ensure it.

Adieu, yours, &c.,

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, October 22, 1783.

I received my dear friend's kind letter of the 4th instant from Bath, with your proposed temporary convention, which you desire me to show to my colleagues. They are both by this time in London, where you will undoubtedly see and converse with them on the subject. The apprehension you mention that the cement of the confederation may be annihilated, &c., has not, I think, any foundation. There is sense enough in America to take care of their own china vase. I see much in your papers about our divisions and distractions, but I hear little of them from America; and I know that most of the letters said to come from there with such accounts, are mere London fictions. I will consider attentively the proposition abovementioned against the return of my colleagues, when I hope our commission will have arrived.

I rejoice to hear that your dear sister's recovery advances, and that your brother is well. Please to present my affectionate respects to them, and believe me ever yours, &c.,

BENJAMIN FRANKLIN.



GIACOMO FRANCISCO CROCCO TO B. FRANKLIN.

Cadiz, November 25, 1783.

Sir,

On the 15th of July last I had the honor to acquaint your Excellency of my arrival in Europe, and that I was appointed by his Majesty the Emperor of Morocco, bearer of the answer to the

Congress, sovereign of the thirteen United States of North America, and that according to my instructions I was to meet at Paris the Ambassador that would be appointed by Congress to sign at the Court of Morocco the treaty of peace and commerce, agreeably to the proposals made to his Imperial Majesty by Robert Montgomery, in his letter dated at Alicant, the 4th of January, 1783. Since I have been at the Court of Madrid, where I had some commissions from the Emperor, and to see the execution of them, I came to this place, from whence I intend to embark in three or four months for Barbary, unless in the meantime I should receive an answer from your Excellency, with orders that Mr. Richard Harrison should give me, for my travelling charges, fifteen hundred hard dollars, although the Courts of Europe are accustomed to allow the Minister of my master at the rate of ten pounds sterling per day, while they are in Europe, to defray their expenses, besides presents for their good offices in those important affairs.

His Imperial Majesty was graciously pleased at my solicitation to agree, at the request of Congress, to grant them a treaty of peace, (which other Powers of Europe could not obtain but after many years,) and my return, without the full execution of his commands, I apprehend may forever indispose him against the United Provinces.

I remain most truly, sir, &c.,

GIACOMO FRANCISCO CROCCO.

—o—

FROM B. FRANKLIN TO GIACOMO FRANCISCO CROCCO.

Passy, December 15, 1783.

Sir,

I have just received the letter you did me the honor of writing to me the 25th past. I did, indeed, receive your former letter of July, but being totally a stranger to the mentioned proceedings of Mr. Montgomery, and having no orders from Congress on the subject, I knew not how to give you any satisfactory answer till I should receive further information; and I communicated your letter to Mr. Jay, Minister of the United States for Spain, in whose district Mr. Montgomery is, and who is more at hand than I am for commencing that negotiation.

Mr. Jay, who is at present in England, has possibly written to you, though his letter may have miscarried, to acquaint you that Mr.

Montgomery had probably no authority from Congress to take the step he has done, and that it was not likely that they, desiring to make a treaty with the Emperor, would think of putting his Majesty to the trouble of sending a person to Paris to receive and conduct their Minister, since they have ships, and could easily land him at Cadiz, or present him at one of the Emperor's ports. We have, however, written to Congress, acquainting them with what we had been informed, of the good and favorable disposition of his Imperial Majesty, to enter into a treaty of amity and commerce with the United States, and we have no doubt but that, as soon as their affairs are a little settled, which, by so severe a war carried on in the bowels of their country by one of the most powerful nations of Europe, have necessarily been much deranged, they will readily manifest equally good dispositions, and take all the proper steps to cultivate and secure the friendship of a monarch whose character I know they have long esteemed and respected.

I am, sir, &c.,

B. FRANKLIN.

FROM BENJAMIN FRANKLIN TO WILLIAM CARMICHAEL.

Passy, December 15, 1783.

My dear Friend,

I am much concerned to find by your letter to my grandson that you are hurt by my long silence, and that you ascribe it to a supposed diminution of my friendship. Believe me that is by no means the case; but I am too much harassed by a variety of correspondence, together with gout and gravel, which induce me to postpone doing what I often fully intend to do, and particularly writing, where the urgent necessity of business does not seem to require its being done immediately, my sitting too much at the desk having already almost killed me; besides, since Mr. Jay's residence here, I imagined he might keep you fully informed of what was material for you to know, and I beg you to be assured of my constant and sincere esteem and affection.

I do not know whether you have been informed that a Mr. Montgomery, who lives at Alicant, took upon himself (for I think he had no authority) to make overtures last winter in behalf of our States towards a treaty with the Emperor of Morocco. In consequence of his proceedings, I received a letter in August from a person who acquainted me that he was arrived in Spain by the Emperor's order,

and was to come to Paris, there to receive and conduct to Morocco the Minister of Congress appointed to make that treaty, intimating, at the same time, an expectation of money to defray his expenses. I communicated the letter to Mr. Jay. The conduct of Mr. Montgomery appeared to us very extraordinary and irregular, and the idea of a messenger from Morocco coming to Paris to meet and conduct a Minister of Congress appearing absurd and extravagant, as well as the demand of money by a person unknown, I made no answer to the letter, and I know not whether Mr. Jay made any to Mr. Montgomery, who wrote about the same time. But I have lately received another letter from the same person, a copy of which I enclose, together with my answer, open for your perusal, and it is submitted to your discretion whether to forward it or not. The *Mr. Crocco* who writes to me, having been, as he says, at Madrid, you possibly may know more of him than I can, and judge whether he is really a person in credit with the Emperor, and sent as he pretends to be, or not rather an *Escroc*, as the French call cheats and imposters.

I would not be wanting in any thing proper for me to do towards keeping that Prince in good humor with us till the pleasure of Congress is known, and therefore would answer Mr. Crocco if he be in his employ, but am loth to commit myself in correspondence with a *Fripon*. It will be strange if, being at Madrid, he did not address himself to you.

With great and unalterable regard, I am ever, my dear friend, yours most affectionately,

B. FRANKLIN.

FROM BENJAMIN FRANKLIN TO ROBERT MORRIS.

Passy, December 25, 1783.

Sir,

The remissness of our people in paying taxes is highly blameable; the unwillingness to pay them is still more so. I see in some resolutions of town meetings a remonstrance against giving Congress a power to take, as they call it, *the people's money* out of their pockets, though only to pay the interest and principal of debts duly contracted. They seem to mistake the point. Money justly due from the people is their creditor's money, and no longer the money of the people, who, if they withhold it, should be compelled to pay by some law. All property, indeed, except the savage's temporary cabin, his

bow, his matchuat, and other little acquisitions absolutely necessary for his subsistence, seems to me to be the creature of public convention. Hence the public has the right of regulating descents, and all other conveyances of property, and even of limiting the quantity and uses of it. All the property that is necessary to a man for the conservation of the individual and the propagation of the species is his natural right, which none can justly deprive him of; but all property superfluous to such purposes is the property of the public, who by their laws have created it, and who may, therefore, by other laws dispose of it whenever the welfare of the public shall desire such disposition. He that does not like civil society on these terms, let him retire and live among the savages. He can have no right to the benefits of society who will not pay his club towards the support of it.

The Marquis de la Fayette, who loves to be employed in our affairs, and is often very useful, has lately had several conversations with the Ministers and persons concerned in forming new regulations, respecting the commerce between our two countries, which are not yet concluded. I thought it therefore well to communicate to him a copy of your letter, which contains so many sensible and just observations on that subject. He will make a proper use of them, and perhaps they may have more weight, as appearing to come from a Frenchman, than they would have if it were known that they were the observations of an American. I perfectly agree with you in all the sentiments you have expressed on this occasion.

I am sorry, for the public's sake, that you are about to quit your office; but on personal considerations, I shall congratulate you, for I cannot conceive of a more happy man than he who, having been long loaded with public cares, finds himself relieved from them, and enjoying private repose, in the bosom of his friends and family.

With sincere regard, &c.,

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, December 26, 1783.

Sir,

If the Congress should think it fit to have a Consul for the United States in London, and do not appoint one of our own countrymen to that office, I beg leave to mention the merits of Mr. William Hodg-

son, a merchant of that city, who has always been a zealous friend of America, was a principal promoter of the subscription for the relief of American prisoners, and chairman of the committee for dispensing the money raised by that subscription. He also took the trouble of applying the moneys I furnished him with, when the subscription was exhausted, and constantly assisted me in all the negotiations I had with the British Ministers, in their favor, wherein he generally succeeded, being a man of weight and credit, very active, and much esteemed for his probity and integrity. These his services, continued steadily during the whole war, seem to entitle him to the favorable notice of Congress, when any occasion offers of doing him service or pleasure.

With great respect, I have the honor to be, &c.,

B. FRANKLIN.

FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

London, March 2, 1784.

My dear Friend,

Will you be so good as to transmit the enclosed to Mr. Jay? I am sorry that we are going to lose him from this side of the Atlantic. If your American ratification should arrive speedily, I might hope to have the pleasure of seeing him again before his departure. As soon as I hear from you of the arrival of your ratification, I will immediately apply for the despatch of the British ratification. I wish very much to have the pleasure of conversing with you again. In hopes that that time may come soon, I have nothing further to say at present. Believe me always to be, what you have always known me to have been, a friend of general philanthropy, and particularly your ever most affectionate,

D. HARTLEY.

FROM BENJAMIN FRANKLIN TO CHARLES THOMSON.

Passy, March 9, 1784.

Sir,

I received, a few days since, a letter from Annapolis, dated June the 5th, in your handwriting, but not signed, acquainting the Commissioners with the causes of delay in sending the ratification of the definitive treaty. The term was expired before that letter came to

hand ; but I hope no difficulty will arise from a failure in a point not essential, and which was occasioned by accidents. I have just received from Mr. Hartley a letter on the subject, of which I enclose a copy.

We have had a terrible winter, too, here, such as the oldest men do not remember, and indeed it has been very severe all over Europe.

I have exchanged ratifications with the Ambassador of Sweden, and enclose a copy of that I received from him.

Mr. Jay is lately returned from England. Mr. Laurens is still there, but proposes departing for America next month, as does also Mr. Jay, with his family. Mr. Adams is in Holland, where he has been detained by business and bad weather. These absences have occasioned some delays in our business, but not of much importance.

The war long expected between the Turks and Russians is prevented by a treaty, and it is thought an accommodation will likewise take place between them and the Emperor. Every thing here continues friendly and favorable to the United States. I am pestered continually with numbers of letters from people in different parts of Europe, who would go to settle in America, but who manifest very extravagant expectations, such as I can by no means encourage, and who appear otherwise to be very improper persons. To save myself trouble, I have just printed some copies of the enclosed little piece, which I purpose to send hereafter in answer to such letters.

Be pleased to present my dutiful respects to Congress, and believe me to be, with sincere esteem, &c.,

B. FRANKLIN.



FROM BENJAMIN FRANKLIN AND JOHN JAY TO THE PRESIDENT OF
CONGRESS.

Passy, April 16, 1784.

Sir,

We duly received the letters your Excellency did us the honor of writing to us the 14th of January, by Colonel Harmar and Lieut. Col. David Franks, with the ratification of the definitive treaty, the proclamation, and the recommendatory resolves of Congress. On the arrival of Col. Harmar, we immediately wrote to Mr. Hartley, acquainting him that we were now ready to exchange with him ;

sending him at the same time copies of the proclamation and resolutions. We have this day received from him the enclosed answer and we expect he will soon be here, and put, with us, the finishing hand to this important business.

With great respect, we have to be, &c.,

B. FRANKLIN.
JOHN JAY.

FROM D. HARTLEY TO BENJAMIN FRANKLIN AND JOHN JAY.

April 9, 1784.

Gentlemen,

I have received the honor of your letter dated March 21, 1784, with the enclosures, which I have communicated to his Majesty's Ministers. I have the pleasure to inform you that the ratification on our part is now making out; and that I have received orders to prepare for the exchange at Paris with all convenient speed.

Before my departure, I shall propose such general sentiments for the consideration of his Majesty's Ministers as have occurred to me in our former negotiations; my utmost wish at all times being to give every possible assistance in my power to effect a cordial and conciliatory intercourse and connexion between our countries.

I have the honor to be, &c.,

D. HARTLEY.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Paris, May 12, 1784.

Sir,

In my last I acquainted your Excellency that Mr. Hartley was soon expected here to exchange ratifications of the definitive treaty. He is now arrived, and proposes to make the exchange this afternoon. I shall then be enabled to send a copy. Enclosed is the new British proclamation respecting our trade with their colonies. It is said to be a temporary provision till Parliament can assemble and make some proper regulating law, or till a commercial treaty shall be framed and agreed to. Mr. Hartley expects instructions for planning with us such a treaty. The Ministry are supposed to have been too busy with the new elections when he left London to think of those matters.

This Court has not completed its intended new system for the trade of their colonies, so that I cannot give a certain account of the advantages that will in fine be allowed us. At present, it is said we are to have two free ports, Tobago and the Mole, and that we may carry lumber and all sorts of provisions to the rest, except flour, which is reserved in favor of Bordeaux, and that we shall be permitted to export coffee, rum, molasses, and some sugar, for our own consumption.

We have had under consideration a commercial treaty proposed to us by the King of Prussia, and have sent it back, with our remarks, to Mr. Adams, who will, I suppose, transmit it immediately to Congress; those planned with Denmark and Portugal wait its determination.

Be pleased to present my dutiful respects to the Congress, and believe me to be, with sincere and great esteem, sir, &c.,

B. FRANKLIN.

May 13th. I now enclose a copy of the ratification of the definitive treaty on the part of his Britannic Majesty.

—o—

FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

Paris, June 1, 1784.

Sir,

I have the honor to inform you that I have transmitted to London the ratification on the part of Congress of the definitive treaty of peace between Great Britain and the United States of America; and I am ordered to represent to you that a want of form appears in the first paragraph of that instrument, wherein the United States are mentioned before his Majesty, contrary to the established custom in every treaty in which a crowned head and a republic are parties. It is likewise to be observed that the term *definitive articles* is used instead of *definitive treaty*, and the conclusion appears likewise deficient, as it is neither signed by the President nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument.

I am ordered to propose to you, sir, that these defects in the ratification should be corrected, which might very easily be done, either by signing a declaration in the name of Congress for preventing the particular mode of expression, so far as it relates to precedency in the first paragraph being considered as a precedent

to be adopted on any future occasion, or else by having a new copy made out in America, in which these mistakes should be corrected, and which might be done without any prejudice arising to either of the parties from the delay.

I am, with great respect, &c.,

DAVID HARTLEY.

FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, June 2, 1784.

Sir,

I have considered the observations you did me the honor of communicating to me concerning certain inaccuracies of expression and supposed defects of formality in the instrument of ratification, some of which are said to be of such a nature as to affect the validity of the instrument.

The first is, "that the United States are named before his Majesty, contrary to the established custom observed in every treaty in which a crowned head and a Republic are the contracting parties." With respect to this, it seems to me we should distinguish between that act in which both join, to wit, the treaty, and that which is the act of each separately, the ratification. It is necessary that all the modes of expression in the joint act should be agreed to by both parties, though in their separate acts each party is master of, and alone unaccountable for, its own mode. And, on inspecting the treaty, it will be found that his Majesty is always regularly named before the United States. Thus "the established custom *in treaties* between crowned heads and republics," contended for on your part, is strictly observed; and the ratification following the treaty contains these words: "Now know ye, that we, the United States in Congress 'assembled, having seen and considered the definitive articles aforesaid, have *approved, ratified, and confirmed*, and by these presents 'do *approve, ratify, and confirm* the said articles, AND EVERY PART 'AND CLAUSE THEREOF," &c. Hereby all those articles, parts, and clauses, wherein the King is named before the United States are *approved, ratified, and confirmed*, and this solemnly under the signature of the President of Congress, with the public seal affixed by their order, and countersigned by their Secretary.

No declaration on the subject more determinate or more authentic can possibly be made or given, which, when considered, may probably induce his Majesty's Ministers to waive the proposition of our

signing a similar declaration, or of sending back the ratification to be corrected in this point, neither appearing to be really necessary. I will, however, if it be still desired, transmit to Congress the observation and the difficulty occasioned by it, and request their orders upon it. In the meantime I may venture to say that I am confident there was no intention of affronting his Majesty by their order of nomination, but that it resulted merely from that sort of complaisance which every nation seems to have for itself, and of that respect for its own Government, customarily so expressed in its own acts, of which the English, among the rest, afford an instance when, in the title of the King, they always name Great Britain before France.

The second objection is, "that the term definitive *articles* is used instead of definitive *treaty*." If the words *definitive treaty* had been used in the ratification instead of *definitive articles* it might have been more correct, though the difference seems not great nor of much importance, as in the treaty itself it is called the present *Definitive Treaty*.

The other objections are, "that the conclusion likewise appears 'deficient, as it is neither signed by the President nor is it dated, and 'consequently is wanting in some of the most essential points of 'form necessary towards authenticating the validity of the instrument.'" The situation of seals and signatures in public instruments differs in different countries, though all equally valid; for when all the parts of an instrument are connected by a ribband, whose ends are secured under the impression of the seal, the signature and seal, wherever placed, are understood as relating to and authenticating the whole. Our usage is to place them both together in the broad margin near the beginning of the piece, and so they stand in the present ratification, the concluding words of which declare the intention of such signing and sealing to be giving authenticity to the whole instrument, viz: "*In testimony* whereof, we have *caused* the 'seal of the United States to be hereunto affixed; Witness his Excellency Thomas Mifflin, Esquire, President;" and the date, supposed to be omitted, perhaps from its not appearing in figures, is, nevertheless, to be found written in words at length, viz: "this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four," which made the figures unnecessary.

With great esteem and respect, &c.,

B. FRANKLIN.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, June 16, 1784.

Sir,

My letter by Mr. Jay acquainted your Excellency that the ratifications of the definitive treaty were exchanged. A copy of the British part was also sent by him.

Mr. Hartley remained here expecting instructions to treat with us on the subject of commerce. The bustle attending a new election and meeting of Parliament, he imagined, might occasion the long delay of those instructions. He now thinks that the affair of the American trade being under the consideration of Parliament, it is probable no treaty will be proposed till the result is known. Mr. Jay, who sailed for America the first instant from Dover, and who saw there several of our friends from London before his departure, and Mr. Laurens, who left London on the 6th to go on in the Falmouth packet, will be able to give you more perfect informations than I can of what may be expected as the determination of the British Government respecting our intercourse with their islands, and, therefore, I omit my conjectures, only mentioning that, from various circumstances, there seems to be some lurking remains of ill humor there, and of resentment against us, which only wants a favorable opportunity to manifest itself.

This makes it more necessary for us to be upon our guard and prepared for events that a change in the affairs of Europe may produce; its tranquillity depending, perhaps, on the life of one man, and it being impossible to foresee in what situation a new arrangement of its various interests may place us. Ours will be respected in proportion to the apparent solidity of our Government, the support of our credit, the maintenance of a good understanding with our friends, and our readiness for defence. All which I persuade myself will be taken care of.

Enclosed I send a copy of a letter from Mr. Hartley to me, respecting some supposed defects in the ratification, together with my answer, which he has transmitted to London. The objections appeared to me trivial and absurd; but I thought it prudent to treat them with as much decency as I could, lest the ill temper should be augmented, which might be particularly inconvenient while the commerce was under consideration. There has not yet been time

for Mr. Hartley to hear whether my answer has been satisfactory, or whether the Ministers will still insist on my sending for an amended copy from America, as they proposed.

I do not perceive the least diminution in the good disposition of this Court towards us, and I hope care will be taken to preserve it.

The Marquis de la Fayette, who will have the honor of delivering this to you, has, ever since his arrival in Europe, been very industrious in his endeavors to serve us and promote our interest, and has been of great use on several occasions. I should wish the Congress might think fit to express, in some proper manner, their sense of his merit.

My malady prevents my going to Versailles, as I cannot bear a carriage upon pavement, but my grandson goes regularly on Court days to supply my place, and is well received there. The last letters I have had the honor of receiving from you, are of 14th of January.

With great respect, I am, sir, &c.,

B. FRANKLIN.



FROM BENJAMIN FRANKLIN TO COUNT DE MERCY ARGENTEAU.

Passy, July 30, 1784.

Sir,

I have the honor to communicate to your Excellency an extract from the instructions of Congress to their late Commissioners for treating of peace, expressing their desire to cultivate the friendship of his Imperial Majesty, and to enter into a treaty of commerce for the mutual advantage of his subjects and the citizens of the United States, which I request you will be pleased to lay before his Majesty. The appointing and instructing Commissioners for treaties of commerce with the Powers of Europe generally has, by various circumstances, been long delayed, but is now done; and I have just received advice that Mr. Jefferson, late Governor of Virginia, commissioned with Mr. Adams, our Minister in Holland, and myself, for that service, is on his way hither, and may be expected by the end of August, when we shall be ready to enter into a treaty with his Imperial Majesty for the above purposes, if such should be his pleasure.

With great and sincere respect, &c.,

B. FRANKLIN.

FROM COUNT DE MERCY ARGENTEAU TO B. FRANKLIN.

Translation.

Paris, July 30, 1784.

Sir,

I received the letter you did me the honor to write to me this morning, and I shall lose no time to transmit the contents to my Court.

The sentiments of the Emperor towards the United States of America make me foresee the satisfaction which his Majesty will have to enter into reciprocal, suitable, and advantageous connexions with them. I have not the least doubt but that measures will be instantly taken on this subject to concert with you, sir, and with the appointed Ministers Plenipotentiary; and as soon as the answer from my Court shall come, I shall instantly communicate it to you.

I have the honor to be, &c.,

DE MERCY ARGENTEAU.



FROM THE COUNT DE VERGENNES TO B. FRANKLIN.

Translation.

Versailles, August 27, 1784.

Sir,

You have communicated to me an extract from the instructions which Congress addressed to you on the 11th of May last, which imports that the United States will in no case treat any other nation with respect to commerce, more advantageously than the French. This disposition is much the wisest, as it will prevent those misunderstandings which might arise from the equivocal terms in which the 2d article of the treaty of amity and commerce, signed February 6th, 1778, is conceived. But that the resolution of Congress on this subject may be clearly stated, it would be best, sir, that you furnish me with it in the form of a declaration, or at least in an official note, signed by yourself. I have no doubt that you will adopt one of these two forms.

I have the honor to be, &c.,

DE VERGENNES.

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FROM B. FRANKLIN TO COUNT DE VERGENNES.

Passy, September 3, 1784.

Sir,

I have the honor to transmit to your Excellency, by order of Congress, a resolution of theirs, dated the 11th of May last, which is in the words following, viz :

“Resolved, That Doctor Franklin be instructed to express to the Court of France the constant desire of Congress to meet their wishes ; that these States are about to form a general system of commerce by treaties with other nations ; that at this time they cannot foresee what claim might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2d and 3d articles of our treaty of amity and commerce with his most Christian Majesty, but that he may be assured it will be our constant care to place no people on more advantageous grounds than the subjects of his Majesty.”

With great respect, I am, &c.,

B. FRANKLIN.



FROM MR. GRAND TO BENJAMIN FRANKLIN.

Translation.

Paris, August 28, 1784.

Sir,

Mr. Morris, in his former letter of May 27th, informs me that he was waiting for an opportunity to answer me on the subject of the funds of the United States, all my letters having advised him of my wants. This opportunity has offered, as I have received several of his letters since ; but there is no mention made in either of them of this object, notwithstanding its importance ; and although I have made known to him that the funds left me were not sufficient to meet the current expenses, and that it was necessary, besides, to provide for the payment of interest due to the Government, amounting, according to Mr. Gojard's calculation, to eight hundred thirty-seven thousand five hundred livres. Yet, notwithstanding so misplaced a silence, willing to judge more favorably of Mr. Morris than appearances warranted, and in consequence of my feelings and zeal, I could not refuse to continue the payment of what has been presented to me, such as salaries, loan office drafts, &c., persuaded as I was that I should not be left long in arrear of my advances, which amount, this day, to nearly fifty thousand livres. But far

from attending to this affair, it seems, on the contrary, that he does not even think of it. I have a painful and additional proof of this in a letter which I have just received from Mr. Morris, bearing date August 12th, in which there is no more mention made of the Superintendent of Finances, than if he never existed. It gives me, truly, great uneasiness, not on account of my actual advances, but for future ones, to which, notwithstanding my own inclination, I shall be obliged to set bounds if I do not soon receive funds.

I have thought it my duty, sir, to apprise you of the situation of affairs, and at all events to give you these details for my own justification. If I should suffer by such a resolution, I shall have at least the consolation to think that I have done all in my power, and all that could be expected from the zeal by which I have been constantly animated. I hope, sir, that you will do me the justice to think so, and that you will accept the respectful sentiments with which I am, sir, your very humble and very obedient servant,

GRAND.

FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Translation.

Versailles, September 9, 1784.

Sir,

I have received the letter which you did me the honor to write me the third instant. You there declare, in the name of Congress, that the United States will be careful not to treat any other nation, in matters of commerce, more advantageously than the French nation. This declaration, founded on the treaty of the 6th of February, 1778, has been very agreeable to the King; and you, sir, can assure Congress that the United States shall constantly experience a perfect reciprocity in France.

I have the honor to be, &c.,

DE VERGENNES.

FROM COUNT DE MERCY ARGENTEAU TO BENJAMIN FRANKLIN.

Translation.

Paris, September 28, 1784.

Sir,

With respect to the proposition of the United States of America that I forwarded to my Court, concerning the arrangements of

commerce to be adopted by the respective Powers, I have received the order, sir, which I have the honor to communicate to you that his Majesty the Emperor has agreed to the said proposition, and that he has directed the Government General of the Low Countries to adopt measures to put it in execution.

When the particulars respecting this matter shall be sent to me, I will instantly communicate them.

I avail myself of this opportunity to renew the assurances of the most perfect attachment, with which I have the honor to be, &c.,

DE MERCY ARGENTEAU.



FROM BENJAMIN FRANKLIN TO CHARLES THOMSON.

Passy, October 16, 1784.

Dear Sir,

It was intended by the Commissioners to write a joint letter to Congress, but I am afraid the opportunity may be missed. This may serve to inform you that propositions of treating have been made by us to all the Powers of Europe, according to our instructions, and we are waiting for their answers. There are apprehensions here of a war between the Emperor and Holland, but as the season is not proper for opening a campaign, I hope the winter will give time for mediators to accommodate matters. We have not yet heard that Mr. Jay has accepted the Secretaryship of Foreign Affairs.

I am ever, my dear friend, yours, most affectionately,

BENJAMIN FRANKLIN.



FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Versailles, October 30, 1784.

Sir,

I am informed by a letter from M. de Marbois, dated Philadelphia, August 24th ultimo, that he had communicated with Mr. Morris, respecting the interest of the loan of Holland made on account of the United States of America under the guarantee of the King; also for the other debts of said States towards his Majesty, acknowledged and stipulated in the contracts passed between us on the 16th July and 25th February, 1783.

M. de Marbois informs me that in pursuance of his conversation and correspondence on this matter with the Superintendent of Finances, Mr. Gouverneur Morris, his assistant took the trouble to call on him, and has verbally announced to him that the Superintendent would be able to cause to be paid at the treasury the four hundred thousand livres, being the amount of interest due in November next on the loan of ten millions guarantied by the King; and that orders would be sent in consequence to Amsterdam as well as to Mr. Grand, at Paris. I have no doubt but that this banker has already received the orders and necessary instructions to fulfil this object, and also for the execution of the other engagements made by Congress, stipulated in the two contracts abovementioned. I mean by this the interest and such part of the capital of the debt of the United States, to his Majesty, as will become due next year. Although I have no doubts as to their punctuality to fulfil their engagements on this point, yet, sir, I think it my duty to bring them to your recollection, wishing you to write on the subject to the general Congress, in order that they may, beforehand, take the necessary measures for the execution of the points agreed upon by our treaties. I will be much obliged to you to inform me of the steps you have taken on this subject, and afterwards of the resolutions of Congress accordingly. In the meantime, I have first communicated M. de Marbois's opinion to the Comptroller General, and have desired him to consult on the subject with Mr. Grand, who must have received orders from Congress touching the interest of the Dutch loan.

I have the honor to be, &c.,

DE VERGENNES.

FROM BENJAMIN FRANKLIN TO CHARLES THOMSON.

Passy, November 11, 1784.

Dear Friend,

I received your kind letter of August 13th, with the papers annexed, relative to the affair of Longchamps. I hope satisfaction will be given to M. Marbois. The Commissioners have written a joint letter to Congress. This serves to cover a few papers relative to matters with which I was particularly charged in the instructions. I shall write to you fully by the next opportunity, having now only time to add that I am, as ever,

Yours, most affectionately,

BENJAMIN FRANKLIN.

P. S. I executed the instructions of October 29th, 1783, as soon as I knew the commissions for treating with the Emperor, &c., were issued, which was not till July, 1784. The three letters between the Emperor's Minister and me are what passed on that occasion.

B. F.



FROM BENJAMIN FRANKLIN TO M. GRAND.

Passy, January 9, 1785.

Sir,

I received your letter of the 29th past, with the state of the interest money claimed by the Department of Finance, as due the first inst., the accounts of your advances for the United States, and a copy of the letters of Messrs. Willink and Staphorst, offering you, by order of Mr. Morris, four hundred thousand livres, the sum due in November last, for the interest of the Dutch loan, on all which you propose it for consideration, whether (that interest being already advanced for us, and duly paid by this Government, according to its guarantees) it would not be more prudent to delay the full reimbursement of that sum, reserving one half to answer the still arriving old loan office drafts, Ministers' salaries, and contingent expenses, and to reimburse you of your advances, unless Messrs. Willink and Staphorst, having more money of the States in their hands, would, on an order from us, advance two hundred thousand livres, which are necessary for those purposes. I communicated your letter, with the other papers, to Mr. Adams, under whose directions the loans managed by Messrs. W. & S. have been transacted. He undertook to write to those gentlemen for information, what money they might have on hand beyond four hundred thousand livres; and they have written in answer, that the two loans being nearly full, they shall have (if I remember right) above a million of florins, which would discharge honorably all our engagements to this Court, a thing I much wish would be done; but Mr. Adams alleges that he has no power to draw on or dispose of that fund, without orders from Congress; and Mr. Jefferson and myself have, without him, no such power. I have since received your letter of the 5th instant, on the same subject, and being of opinion with you, that (unless there be

reasons for delaying the payment, which we are unacquainted with) the Congress cannot be pleased with this breach of punctuality, while they have money lying dead in the hands of those merchants in Holland. I communicated also this, your second letter, to Mr. Adams, but he continues of the same opinion, and was rather displeased with my importunity, so that I can carry it no farther.

With regard to your request that I would give you orders in writing for the payment to Government of a part of the four hundred thousand livres, it does not seem necessary or proper for me to give such orders. I can only give you my opinion of what I should do were I in your case. Your advances have been considerable, the inconvenience to you not little, the mentioned sum has already been advanced for the States by this Government, and our credit in Holland thereby saved till the next year's interest becomes due, before which time funds will probably be prepared for the regular discharge of all interests due to our European creditors. I would, therefore, at least retain the reimbursement of any advances, and sufficient to pay the salaries engaged for to the end of 1784, and discharge the probable demands by loan office bills still coming, for there is no reason why you should continue longer in advance, or advance farther.

The house of Fizeaux & Grand have written to me that they have drawn on me for the last year's interest of their loan. You will please to pay the draft as usual. Do you think it probable, in the present state of things, that loan could now be extended? If so, I still have by me the promises and compact which that house returned to me.

I have the honor to be, &c.,

B. FRANKLIN.

FROM M. GRAND TO THE COMMISSIONERS OF THE TREASURY.

Paris, February 8, 1785.

Gentlemen,

I take the liberty to refer you to my last respects, dated the 30th September, 1784, which I forwarded by duplicates, with the account current of the States, closed by a balance due to me of liv. 38,592.18.9.

I have the honor to acquaint you, gentlemen, that a few days

after I received from Messrs. William & Jan Willink, Nicolas & Jacob Van Staphorst, and De la Lande & Fynje, under date of 2d December, a remittance of several bills, amounting to liv. 400,131.6.6, which, as they fall due, shall be carried to the credit of the United States, as well as several others, enclosed in a letter from the same gentlemen, dated the 30th December, amounting to liv. 217,463.3.10, the particulars whereof will be found in the next extract of the account current of the States, which I shall have the honor to transmit.

According to the orders of the Honorable Robert Morris, Esq., I have taken due note of several bills which he advised me, under date of the 4th October, having drawn on me, amounting together to liv. 113,088.10.9, which shall be exactly discharged; and I have paid to General Armand, whose receipt I here enclose, liv. 33,794.13.11, wherewith the States will likewise be debited, as well as with liv. 23,329.4, for the amount of several sums paid by Mr. Morris per order for interest on the certificates granted to the foreign officers, whose receipts will also be annexed to this letter, and I shall continue to pay the like objects mentioned in the list which this gentleman transmitted to me for this purpose.

General Armand having sent over to America his certificate for the abovementioned liv. 33,794.13.11, I desired his Excellency Dr. Franklin's approbation of my paying the said sum, and he was pleased to signify it to me on General Armand's promise to deliver the certificate.

You will, gentlemen, have seen, out of my sincere respects, how anxious I was to be enabled to discharge several engagements of the States, many of which are now due. I applied, in consequence, to their Excellencies, Dr. Franklin, and John Adams, Esq., in order to get some part of the money lying dead in Holland remitted to me and paid to Government, and it was not without much concern that I saw the want of success of my reiterated entreaties to gain that point. I beg leave to lay before your eyes a copy of the last letter which Dr. Franklin wrote me on this subject. My earnest wish is that you may, gentlemen, have now adopted such measures whereby the claims of our Government may be answered, and the credit of the United States daily strengthened. I shall be happy to hear of them.

His Excellency Dr. Franklin having been so kind as to apply to Messrs. Le Couteux & Co., in order to know what balance they

might throw into my hands for account of the United States, I hear with concern that it consists but in a very slender sum of about liv. 19,000, which is of no consideration, if compared with the claim of our Government.

I cannot take upon myself to make him the tender of part only of the liv. 400,000 due for interest on the Dutch loan, and I shall wait your orders, gentlemen, before I take a step which, in my opinion, would rather be beneath the dignity of Congress. Should, however, Government become urgent on this head, I should then offer them what would at that moment be found of vacant funds in my hands.

Being with great truth and respect, gentlemen, &c.,

GRAND.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, February 8, 1785.

Sir,

I received by the Marquis de la Fayette the two letters you did me the honor of writing to me the 11th and 14th of December, the one enclosing a letter from Congress to the King, the other a resolve of Congress respecting the convention for establishing Consuls. The letter was immediately delivered and well received. The resolve came too late to suspend signing the convention, it having been done July last, and a copy sent so long since that we now expected the ratification. As that copy seems to have miscarried, I now send another.

I am not informed what objection has arisen in Congress to the plan sent me. Mr. Jefferson thinks it may have been to the part which restrained the Consuls from all concern in commerce. That article was omitted, being thought unnecessary to be stipulated, since either party would always have the power of imposing such restraints on its own officers whenever it should think fit. I am, however, of opinion that this or any other reasonable article or alteration may be obtained at the desire of Congress, and established by a supplement.

Permit me, sir, to congratulate you on your being called to the high honor of presiding in our national councils, and to wish you every felicity, being with the most perfect esteem, &c.,

B. FRANKLIN.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, April 12, 1785.

Sir,

M. de Chaumont, who will have the honor of presenting this line to your Excellency, is a young gentleman of excellent character, whose father was one of our most early friends in this country, which he manifested by crediting us with a thousand barrels of gunpowder and other military stores in 1776, before we had provided any apparent means of payment. He has, as I understand, some demands to make on Congress, the nature of which I am unacquainted with; but my regard for the family makes me wish that they may obtain a speedy consideration, and such favorable issue as they may appear to merit.

To this end I beg leave to recommend him to your countenance and protection, and am, with great respect, &c.,

B. FRANKLIN.



FROM BENJAMIN FRANKLIN TO COUNT DE VERGENNES.

Passy, May 3, 1785.

Sir,

I have the honor to acquaint your Excellency that I have at length obtained, and yesterday received, the permission of Congress to return to America. As my malady makes it impracticable for me to pay my devoirs at Versailles personally, may I beg the favor of you, sir, to express respectfully for me to his Majesty the deep sense I have of all the inestimable benefits his goodness has conferred on my country; a sentiment that it will be the business of the little remainder of life now left me to impress equally on the minds of all my countrymen. My sincere prayers are that God may shower down his blessings on the King, the Queen, their children, and all the royal family to the latest generations.

Permit me, at the same time, to offer you my thankful acknowledgments for the protection and countenance you afforded me at my arrival, and your many favors during my residence here, of which I shall always retain the most grateful remembrance.

My grandson would have had the honor of waiting on you with this letter, but he has been some time ill of a fever.

With the greatest esteem and respect, and best wishes for the constant prosperity of yourself and all your amiable family, I am, sir, your Excellency's most obedient and most humble servant,

BENJAMIN FRANKLIN.



FROM MONSIEUR DE RAYNEVAL TO BENJAMIN FRANKLIN.

Translation.

Versailles, May 8, 1785.

Sir,

I have learned with the greatest concern that you are soon to leave us. You will carry with you the affections of all France, for nobody has been more esteemed than you. I shall call on you at Passy, to desire you to retain for me a share in your remembrance, and renew to you personally the assurances of the most perfect attachment, with which I have the honor to be, sir, &c.,

DE RAYNEVAL.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Passy, May 10, 1785.

Dear Sir,

I received your kind letter of the 8th of March, enclosing the resolution of Congress permitting my return to America, for which I am very thankful, and am now preparing to depart the first good opportunity. Next to the pleasure of rejoining my own family will be that of seeing you and yours well and happy, and embracing once more my little friend, whose singular attachment to me I shall always remember.

I shall be glad to render any acceptable services to Mr. Randall. I conveyed the bayberry wax to Abbé de Chalut, with your compliments, as you desired. He returns his with many thanks. Be pleased to make my respectful compliments acceptable to Mrs. Jay, and believe me ever, with sincere and great respect and esteem, &c.,

BENJAMIN FRANKLIN.

P. S. The striking of the medals being now in agitation here, I send the enclosed for consideration.

B. F.

FROM BENJAMIN FRANKLIN TO CHARLES THOMSON.

Passy, May 10, 1785.

Dear Sir,

An old gentleman in Switzerland, long of the magistracy there, having written a book entitled *Du Gouvernement des Mœurs*, which is thought to contain many matters that may be useful in America, desired to know of me how he could convey a number of the printed copies, to be distributed gratis among the members of Congress. I advised his addressing the package to you, by way of Amsterdam, whence a friend of mine would forward it. It is accordingly shipped there on board the *Van Berckel*, Captain W. Campbell. There are good things in the work ; but his chapter on the liberty of the press appears to me to contain more rhetoric than reason.

With great esteem, I am, ever, &c.,

BENJAMIN FRANKLIN.



FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Translation.

Versailles, May 22, 1785.

Sir,

I have learnt with much concern of your retiring, and of your approaching departure for America. You cannot doubt but that the regrets which you will leave will be proportionate to the consideration you so justly enjoy.

I can assure you, sir, that the esteem the King entertains for you does not leave you anything to wish ; and that his Majesty will learn with real satisfaction that your fellow-citizens have rewarded, in a manner worthy of you, the important services that you have rendered them.

I beg, sir, that you will preserve for me a share in your remembrance, and never doubt the sincerity of the interest I take in your happiness. It is founded on the sentiments of attachment of which I have assured you, and with which I have the honor to be, &c.,

DE VERGENNES.

FROM B. FRANKLIN TO THOMAS BARCLAY.

Passy, June 19, 1785.

Sir,

With respect to my continuing to charge £2,500 sterling per annum as my salary, of which you desire some explanation, I send you, in support of that charge, the resolution of Congress, which is in these words :

“ In Congress, October 5th, 1779. *Resolved*, That each of the ‘ Ministers Plenipotentiary be allowed at the rate of two thousand five ‘ hundred pounds sterling per annum, and each of their secretaries at ‘ the rate of one thousand pounds sterling per annum, in full for their ‘ services and expenses respectively. That the salary of each of the ‘ said officers be computed from the time of his leaving his place of ‘ abode to enter on the duties of his office, and be continued three ‘ months after the notice of his recall.”

The several bills I afterwards received drawn on the Congress banker, Mr. Grand, for my salary, were all calculated on that sum as my salary ; and neither the banker nor myself has received notice of any change respecting me. He has accordingly, since the drawing ceased, continued to pay me at the same rate. I have, indeed, heard that a resolution was passed last year that the salaries of Plenipotentiaries should be no more than £2,000 sterling per annum. But the resolution, I suppose, can relate only to such Plenipotentiaries as should be afterwards appointed ; for I cannot conceive that the Congress, after promising a Minister £2,500 a year, and when he has thereby been encouraged to engage in a way of living for their honor, which only that salary can support, would think it just to diminish it a fifth, and leave him under the difficulty of reducing his expenses proportionably—a thing scarce practicable—the necessity of which he might have avoided if he had not confided in their original promise.

But the article of salary, with all the rest of my accounts, will be submitted to the judgment of Congress, together with some other considerable articles I have not charged, but on which I shall expect, from their equity, some consideration. If for want of knowing precisely the intention of Congress what expenses should be deemed public and what private, I have charged any article to the public which should be defrayed by me, their banker has my order, as soon

as the pleasure of Congress shall be made known to him, to rectify the error by transferring the amount to my private account, and discharging by so much that of the public.

I have the honor to be, &c.,

B. FRANKLIN.



FROM M. DE CASTRIES TO B. FRANKLIN.

Translation.

Versailles, July 10, 1785.

Sir,

I was not apprized, until within a few hours, of the arrangements which you have made for your departure. Had I been informed of it sooner, I should have proposed to the King to order a frigate to convey you to your own country in a manner suitable to the known importance of the services you have been engaged in, to the esteem you have acquired in France, and the particular regard which his Majesty entertains for you.

I pray you, sir, to accept my regrets and a renewed assurance of the most entire consideration with which I have the honor to be, sir, your very humble and very obedient servant,

DE CASTRIES.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, September 19, 1785.

Sir,

I have the honor to acquaint you that I left Paris the 12th of July, and, agreeably to the permission of Congress, am returned to my country. Mr. Jefferson had recovered his health, and was much esteemed and respected there. Our joint letters have already informed you of our late proceedings, to which I have nothing to add, except that the last act I did, as Minister Plenipotentiary for making treaties, was to sign with him, two days before I came away, the treaty of friendship and commerce that had been agreed on with Prussia, and which was to be carried to the Hague by Mr. Short, there to be signed by Baron Thulemeier on the part of the King, who, without the least hesitation, had approved and acceded to the new humane articles proposed by Congress. Mr. Short was also to

call at London for the signature of Mr. Adams, who, I learnt when at Southampton, was well received at the British Court.

The Captain Lamb who, in a letter of yours to Mr. Adams, was said to be coming to us with instructions respecting Morocco, had not appeared, nor had we heard anything of him; so nothing had been done by us in that treaty.

I left the Court of France in the same friendly disposition towards the United States that we have all along experienced, though concerned to find that our credit is not better supported in the payment of the interest money due on our loans, which, in case of another war, must be, they think, extremely prejudicial to us, and, indeed, may contribute to draw on a war the sooner, by affording our enemies the encouraging confidence that those who take so little care to pay will not again find it easy to borrow. I received from the King at my departure the present of his picture set round with diamonds, usually given to Ministers Plenipotentiary who have signed any treaties with that Court, and it is at the disposition of Congress, to whom be pleased to present my dutiful respects.

I am, &c.,

B. FRANKLIN.

P. S. Not caring to trust them to a common conveyance, I send by my late Secretary, who will have the honor of delivering them to you, all the original treaties I have been concerned in negotiating that were completed. Those with Portugal and Denmark continue in suspense.

B. F.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, July 6, 1786.

Sir,

The enclosed paper will inform you of what has passed here, between Scotosh, a Chief of the Wyandot nation, and this Government, on his way to Congress. He is recommended as having been always very friendly to our people; and the Council have defrayed the expense of him and his company here, and to New York, where, as Colonel Harmar informs, he is to visit Congress. He expresses a strong desire of going to France, but, as it must cost something considerable to support him thither, there and back again, we have given him no expectation that the Congress will approve of it. But

if it could be well afforded, I should conceive it might be of use to our affairs in that part of the country, if, after viewing the Court, and troops, and population of France, he should return impressed with a high idea of the greatness and power of our ally, and thence be able to influence the western Indians with opinions proper to defeat the insinuations of the English who are posted on those frontiers.

With great regard, &c.,

BENJAMIN FRANKLIN.

Philadelphia, July 3, 1786.

Scotosh, an Indian Chief of the Wyandots, and son to the half King of that nation, visited the President, accompanied by Monsieur Pierre Drouillier, a French trader, of Detroit, as interpreter, who acquainted the President that the Chief had a few words to deliver from his father.

The Chief then, taking in his hands three strings of white Wampum, said :

“Brother, I come from my father to speak to you of good and bad affairs, good and bad news ; my father now speaks :

“My Brothers, I inform you that among my people all is good ; we have no bad affairs, no bad news to relate to you ; nor have I heard of any bad news from Detroit. *A string.*

“Near the falls I have heard there are bad affairs ; but that country is far from mine. There are some bad people thereabouts, vagabonds from different nations, but none of my people are among them.” *A String.*

“My Brothers, I shall be very glad to hear that the measuring the Indian country may be delayed. For the bad people will, I fear, take occasion from the measuring to do more mischief. Perhaps the measurers will be killed, and it would give pain to me and my nation to hear such bad news.”

The Chief then spoke as from himself.

“Brothers, you have made a good, clear road for us to come to you without danger or inconvenience. I have found it good and safe, having been kindly treated every where by your people. We will do the same for them, when they have occasion to pass through our country.

“ Brothers, I request you would, as soon as possible, let me know what you think of the words I brought from my father, that I may acquaint him therewith, and that mischief to the measurers may be prevented.”

He added, that he was going to New York to visit the Congress, and that he had a curiosity to cross the seas and see France.

The President replied, that he would communicate the words to the Council, and on Wednesday give an answer. He had no expectations of so much formality in this visit, or he should have requested a meeting of Council to receive it.

July 5, 1786.

Scotosh, son to the half King of the Wyandots, with Monsieur Drouillier, his interpreter, coming again to the President's House, the President spoke to him as follows:

“ Brother, I have communicated to the Council the words you delivered to me from your father, and we now return the answer I am about to give you, to be sent him.

“ Our Brother, we are glad to learn from you that there are no bad affairs in your country, and that all is well with you ; we hope it may long continue.” *A String.*

“ We know there are some bad people about the falls, from whence we sometimes hear of mischief done by them ; we are glad that none of our friends, the Wyandots, are among them ; for they will probably soon suffer for their evil actions.” *A String.*

“ Our Brother, this State of Pennsylvania measures no lands but what has been fairly purchased of the Six Nations. The country you speak of is far beyond our limits, and the measuring of it under the direction of the Congress. It is therefore with that great Council to consider your friendly advice on that subject.” *A String.*

The President then acquainted Scotosh, that as he was going to New York, the Council had ordered some money to be given to him for his travelling expenses, (which was accordingly done,) and that the charge of their entertainment while here would also be defrayed ; for which he returned hearty thanks. He was, at the same time, assured that we should endeavor always to keep the road between us as open, clear, and safe as he had found it.

FROM BENJAMIN FRANKLIN TO M. GRAND.

Philadelphia, July 11, 1786.

Sir,

I send you enclosed some letters that have passed between the Secretary of Congress and me, respecting three millions of livres, acknowledged to have been received before the treaty of February, 1778, as *don gratuit* from the King, of which only two millions are found in your accounts, unless the million from the Farmers General be one of the three. I have been assured that all the money received from the King, whether as loan or gift, went through your hands; and as I always looked on the million we had of the Farmers General to be distinct from what we had of the Crown, I wonder how I came to sign the contract acknowledging three millions of gift, when, in reality, there was only two, exclusive of that from the Farmers; and, as both you and I examined the project of the contract before I signed it, I am surprised that neither of us took notice of the error.

It is possible that the million furnished ostensibly by the Farmers, was in fact a gift of the Crown, in which case, as Mr. Thomson observes, they owe us for the two ship loads of tobacco which they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.

I am, &c.,

B. FRANKLIN.



FROM MONSIEUR DURIVAL TO M. GRAND.

Translation.

Versailles, August 30, 1786.

Sir,

I have received the letter which you did me the honor to write on the 28th of this month, touching the advance of a million, which you say was made by the Farmers General to the United States of America the 3d of June, 1777. I have no knowledge of that advance. What I have verified is, that the King, by the contract of the 25th of February, 1783, has confirmed the gratuitous gift

which his Majesty had previously made, of the three millions hereafter mentioned, viz: one million delivered by the Royal Treasury the 10th of June, 1776, and two other millions, advanced also by the Royal Treasury, in 1777, on four receipts of the deputies of Congress, of the 17th of January, 3d of April, 10th of June, and 15th of October, of the same year. This explanation will, sir, I hope, resolve your doubt touching the advance of the 3d of June, 1777. I further recommend to you, sir, to confer on this subject with M. Gojard, who ought to be better informed than we, who had no knowledge of any advances but those made by the Royal Treasury.

I have the honor to be, &c.,

DURIVAL.

FROM MONSIEUR DURIVAL TO M. GRAND.

Translation.

Versailles, September 5, 1786.

Sir,

I laid before the Count de Vergennes the two letters you did me the honor to write, touching the three millions, the free gift of which the King has confirmed in favor of the United States of America. The Minister, sir, observed that this gift has nothing to do with the million which the Congress may have received from the Farmers General in 1777; consequently, he thinks that the receipt, which you desire may be communicated to you, cannot satisfy the object of your view, and that it would be useless to give you the copy which you desire.

I have the honor to be, &c.,

DURIVAL.

FROM M. GRAND TO BENJAMIN FRANKLIN.

Paris, September 9, 1786.

My dear Sir,

The letter you honored me with covered the copies of three letters which Mr. Thomson wrote you to obtain an explanation of a million which is not to be found in my accounts. I should have been very much embarrassed in satisfying and proving to him that I had not

put that million in my pocket, had I not applied to M. Durival, who, as you will see by the answer enclosed, informs me that there was a million paid by the Royal Treasury on the 10th of June, 1776. This is the very million about which Mr. Thomson inquires, as I have kept an account of the other two millions which were also furnished by the Royal Treasury, viz: the one million in January and April, 1777, the other in July and October of the same year, as well as that furnished by the Farmers General in June, 1777.

Here then are the three millions exactly which were given by the King before the treaty of 1778, and that furnished by the Farmers General. Nothing then remains to be known but who received the first million in June, 1776. It could not be myself, as I was not charged with the business of Congress until January, 1777. I therefore requested of M. Durival a copy of the receipt for the one million. You have the answer which he returned to me. I wrote to him again renewing my request, but as the courier is just setting off, I cannot give you his answer, but you will receive it in my next if I obtain one.

In the meanwhile, I beg you will receive the assurances of the sentiments of respect, with which I have the honor to be, sir, &c.,

GRAND.



FROM M. DURIVAL TO M. GRAND.

Translation.

Versailles, September 10, 1786.

Sir,

I have laid before the Count de Vergennes, as you seemed to desire, the letter which you did me the honor to write yesterday. The Minister persists in the opinion that the receipt, the copy of which you request, has no relation to the business with which you were entrusted on behalf of Congress, and that this piece would be useless in the new point of view in which you have placed it. Indeed, sir, it is easy for you to prove that the money in question was not delivered by the Royal Treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt for that money is of the 10th of June, 1776.

I have the honor to be, &c.,

DURIVAL.

FROM M. GRAND TO BENJAMIN FRANKLIN.

Translation.

Paris, September 12, 1786.

Sir,

I hazard a letter in hopes it may be able to join that of the 9th at L'Orient, in order to forward to you the answer I have just received from M. Durival. You will there see that notwithstanding my entreaty the Minister himself refuses to give me a copy of the receipt which I asked for. I cannot conceive the reason for this reserve, more especially since if there has been a million paid, he who has received it has kept the account, and it must in time be known. I shall hear with pleasure that you have been more fortunate in this respect in America than I have been in France; and I repeat to you the assurance of the sentiments of regard, with which I have the honor to be, &c.,

GRAND.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, November 21, 1786.

Sir,

I send the enclosed papers, requesting your perusal of them, and that you would let me know what answer I may make to Sir Edward Newenham and General Washington. I have known Sir Edward many years, and that he was always a firm friend to our cause, and rendered many substantial services to our countrymen that happened to be prisoners in Ireland. Hitherto we have parried the infinite number of French applications for consulships in their ports by acquainting them with the law of Congress to appoint none but citizens. I know not whether the Congress will think fit to deviate in this instance, as it will open a door for boundless solicitation; though I could wish Sir Edward's merit could have some mark conferred on it of the gratitude and regard of our States. I do not pretend to solicit Congress in his favor, having no opinion of my interest.

With great respect, I have the honor to be, &c.,

B. FRANKLIN.

Please to return the letters when done with.

SIR EDWARD NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, July 10, 1786.

My dear Friend,

I know not how to apologize for the liberty I now take. Your own goodness of heart must seal my pardon. I can only say that were our situations changed, I should do the same for you.

I have fixed my son, Mr. Robert O'Callaghan Newenham, at Marseilles, where his sister lives. She is married to Mr. Folsch, of that city, and Consul for Sweden at that and the neighboring ports. I invest *all* his fortune in the trade of that rising city, where he will spend the rest of his days.

He has often addressed me to solicit this favor, at last his perseverance and sanguine hopes of success have induced me to second his wish: It is to have the distinguished honor conferred upon him by the Congress of the United States of North America of being appointed their Consul at the port of Marseilles. I will be bound in any penal sum for his good conduct. I can assert, on the most sacred word of man, that he is blessed with the purest principles of integrity and virtue; he is attentive to his religious and civil duties; he has exceeding good natural parts, and is well read in history; speaks French perfectly, and is now learning all other languages. Though he is my son, I would not ascribe merits or virtues to him which he did not really possess. He was always warm in the cause of America, as all the rest of my family (one only excepted) have been. May I then, my dear and respected friend, entreat your parental solicitation in favor of a beloved and dutiful son, thus to honor the parent and raise the son into future consequence. It will be mine and my family's pride to have my son distinguished by Congress, (that glorious assembly of patriots,) in whose cause I so early engaged, whose interest I supported, whose suffering sailors I often relieved; and I believe the active part I took in preventing more troops to be sent out of this kingdom to keep up the devastation of war in America, is well known to Congress. *I never deserted their cause when victory appeared doubtful*, though my estate, and perhaps my life, would have been forfeited had not their own perseverance (aided by Heaven) overcome difficulties then deemed insurmountable.

This request and circumstances being laid before Congress by

you, will, I trust, ensure success. I shall be proud to shew my countrymen that my zeal for American independence has been rewarded in the most honorable manner, and that the saviors of American freedom bear a reciprocal regard for their Irish friends.

I shall impatiently expect the honor of an answer.

I have the honor to be, dear sir, with the most sincere and perfect respect and esteem, your most obliged and obedient humble servant,

EDWARD NEWENHAM.

FROM SIR EDWARD NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, August 12, 1786.

Sir,

I beg leave to enclose you two letters, one for the President and the other for Congress, towards obtaining what I really think my services have some claim to, if it was no more than being the chief means of stopping the sending *off* the *whole* army of Ireland to assist in the subjugation of the freemen of North America. I leave the introduction of this matter to your superior wisdom. It is a novel and free mode of a private freeman soliciting a favor and honor from an assembly of freemen; but, conscious of my services and zeal in support of their cause, I entertain the fondest hopes of success.

My son is really deserving of any trust; he has the best of principles; and as he is now, forever, become a subject of your magnanimous ally, he is a fit object for American honors. You can easily form an idea how proud it would make me, and how pleased the friends of America in this kingdom will be at his promotion.

I have lately received a valuable present of trees and seeds from Colonel Wadsworth, of Connecticut State, and the trees promise well. Planting is my chief amusement, as I do all the nice parts myself, sowing the seed, pruning, budding, &c. I never leave any thing to a gardener, therefore I have one of the most healthy and promising plantations in the kingdom. I brought the seeds of the largest fir trees in that part of the Alps near St. Bernard to this place, and the plants are in the most promising state; it is the finest deal in Europe, but not much used, as the expense is so great in bringing the timber over such a tract of mountains; it is peculiar only to one spot.

I send you a few newspapers; by them you will see the accounts of the White Boys in this country, who never would have got up if Government had not insulted the volunteers. They now wish for the volunteers to repel them; but none will march against them, except a few Ministerial dependents.

Lady Newenham joins me in the warmest respects and highest regards for you and your grandson. She is so anxious in this affair that, if it could ensure success, she would cross the Atlantic to obtain it, her parental heart is so elated with the idea of it.

I shall, towards the latter end of November, impatiently hope for the honor of an answer. I have written to Gen. Washington and Mr. Jay to request their support.

This goes by the Dublin packet, Captain Alcorn.

I have the honor to be, my dear sir, and ever respected friend, with every sentiment of esteem, your most obedient servant,

EDWARD NEWENHAM.



FROM SIR EDWARD NEWENHAM TO THE PRESIDENT OF CONGRESS.

Belle Champe, near Dublin, August 12, 1786.

Sir,

I have the honor to enclose your Excellency a letter for the honorable Congress. I might give a list of services done in the most perilous times; I might give my account of expenditures; but those having been done and incurred through principle, I cannot claim credit for them; my wish is to be honored by my fellow-patriots; that will be my glory, and the pride of a family early attached to yours and the liberties of your countrymen.

I may have erred in the mode of application, but I have not wilfully omitted applying in the most respectful manner, therefore entreat indulgence for any mistakes.

I now beg leave, sir, to apologize to you for the liberty I have taken, and the trouble I presume to give you, to lay the enclosed before you. The honorable Dr. Franklin will readily inform you of his opinion on this subject as far as it relates to me.

I have the honor to be, sir, &c.,

EDWARD NEWENHAM.

FROM SIR EDWARD NEWENHAM TO CONGRESS.

*To the Right Honorable the President and Members of the Congress
of the United States of North America.*

Belle Champe, near Dublin, August 12, 1786.

Sirs,

I trust that this mode of addressing so respectable and magnanimous an assembly will not be deemed presumptuous in a private individual, who so early and warmly supported the just rights of the freemen of North America.

It will be my pride to have one of my family honored by you. It will shew my friends and yours in this Kingdom that my zealous endeavors to support American independence are most amply rewarded.

My humble desire is to have my son, Robert O'Callaghan Newenham, honored with the important trust of being Consul for the United States of North America at the port of Marseilles, in the kingdom of France.

He is settled there in the mercantile line, his whole fortune is to be remitted, and he is to spend the remainder of his days there.

In my pretensions to so distinguished an honor, I beg leave to refer to the Honorable Doctor Benjamin Franklin. I believe I need not refer to the public prints of those days, when a friend to the liberties of America was deemed a bold character for an Irishman to support. That friend I gloried in being and ever shall.

I shall not presume to add more, only that you cannot find a man of better principles, purer integrity, or warmer zeal in your service than my son. As such I recommend him, and will be answerable for the faithful discharge of his duty.

I have the honor to be, &c.,

EDWARD NEWENHAM.



FROM LADY GRACE ANNA NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, August 21, 1786.

Dear Sir,

Permit me to solicit your support towards obtaining the honor of my son, Robert O'Callaghan Newenham, being appointed Consul of

the United States of America at Marseilles. Sir Edward has settled him there, probably for life. This appointment must be of service to him, as well as an honor to his father and me.

I would not offer to solicit your respectable friendship did I not know he will not disgrace your *protection*—his heart and his principles are equally good, and he possesses an intelligence and sobriety of conduct much beyond his years.

Believe me, sir, I am fully sensible of the impropriety of my *thus* intruding upon you; but when I consider the character I am addressing, I am encouraged to expect every allowance for a mother's pleading for the interest and honor of a beloved son; and if I do not succeed in my wishes for him, I shall feel secure of pardon from the universal philanthropy with which you are so eminently distinguished.

I am, &c.,

GRACE ANNA NEWENHAM.

I request my compliments to your grandson.



FROM GEORGE WASHINGTON TO BENJAMIN FRANKLIN.

Mount Vernon, November 3, 1786.

Sir,

The letter, of which I have the honor to enclose your Excellency an extract, and the addresses, came to my hands a few days since. Whether the latter are originals or copies, or whether any steps have been taken in compliance with Sir Edward Newenham's wishes, you can better decide than I; also, if there has not, what is best to be done with the application.

If I mistake not, this case militates with a resolve of Congress, which declares that none but citizens of these United States shall hold consular appointments under it. But how far the singularity of the application, from such a character and under such enumeration of circumstances may occasion a departure therefrom, (if my belief is founded,) is not for me to decide.

This letter to you, my good sir, is the first move I have made in this business, and I will await your sentiments before I make another.

I am, &c.,

GEO. WASHINGTON.

EXTRACT OF A LETTER FROM SIR EDWARD NEWENHAM TO GEORGE WASHINGTON.

Belle Champe, near Dublin, August 12, 1786.

Dear Sir,

May I presume to solicit your friendship in obtaining the wish of a whole family, viz: to have one of them honored by the Congress of American patriots. The idea originated with my son—he is so good and virtuous a young man that I can boldly assert he never will dishonor any confidence reposed in him. He has been warm in yours and your country's cause from the beginning; his future life is fixed at Marseilles, where his fortune is vested; his third sister is married there. He wants no salary—it is the honor he solicits for.

I cannot express how anxious I am to obtain his wish. The mode I have adopted is novel, but it occurred to me as the most respectful. I have acquainted Doctor Franklin and Mr. Jay with this affair, and had time been allowed, I am confident that the Marquis de la Fayette would write most warmly in our favor; but as this is the only opportunity of a safe conveyance that I can have for some time, I could not delay it; the ship Dublin Packet, Captain Alcorn, sails to-morrow for Philadelphia, and this will be committed to his care.

—o—

FROM JOHN JAY TO BENJAMIN FRANKLIN.

New York, December 30, 1786.

Sir,

I have received the letter you did me the honor to write on the 27th day of November last, with the papers mentioned to be enclosed with it, which shall be laid before Congress as soon as they make a House.

Letters from Sir Edward Newenham, on the same subject, had been previously received, but the want of an adequate representation in Congress has hitherto prevented, and still prevents, a decision on it.

With sentiments of great respect, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO THE PRESIDENT OF PENNSYLVANIA.

New York, February 8, 1787.

Mr. JAY presents his compliments to his Excellency Doctor Franklin, and, agreeable to his request, has the honor of returning, herewith enclosed, the letters transmitted in the Doctor's letter of

the 21st November last. Those letters, with others on the same subject, were laid before Congress, and had it not been for the act which confines their appointment of Consuls to citizens, there is no doubt but that Congress would most readily have complied with Sir Edward Newenham's request.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

New York, February 24, 1787.

Sir,

I have just received a letter from Lady Newenham on the subject of the application of Sir Edward for the consulship of Marseilles for their son. The solicitude of that amiable family to obtain that mark of the notice of the United States seems so fervent, that, considering their uniform and zealous attachment to America, the necessity of disappointing their hopes is to be regretted, especially, too, as the object of their wishes is far from being a very important one. If Mr. Newenham would come to this country, and be naturalized, in either of the States, I presume the objection arising from the act of Congress, which confines these appointments to citizens, would be removed; and on the least intimation that he would then have the honor he solicits, I apprehend he would not hesitate to take this step. It would, however, be improper for me to suggest such a hint to Sir Edward, unless authorized by Congress to do it; and I take the liberty of mentioning this expedient, from an opinion that nothing but the act in question restrains Congress from complying with his request, and gratifying the wishes of that good friend of our country.

I have the honor to be, &c.,

JOHN JAY.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, January 3d, 1787.

Sir,

Mr. Samuel Vaughan, jr., has informed me that he purposes applying to Congress for an employment in their intended Mint, and for some encouragement to explore the United States with respect to the ores, minerals, &c., that may be contained in their territories,

and has requested of me a line of recommendation to you. I do not know how far his views may be compatible with those of Congress, nor do I presume to have any interest that may promote them; but if it may be of use to him, I, with pleasure, give this testimony, that I have known him some years, during which he has been constantly engaged in the diligent study of metallurgy and mineralogy, and in travelling through most of the countries of Europe, where there are mines, and where those sciences flourish, to inspect the one and converse with the learned and experienced professors of the other; that he has brought with him to this country a most valuable collection of books on the subject, as well as a very great assortment of all the different ores, &c., and that I esteem him as a man of probity and integrity, as well as of great skill and ingenuity, so that, in my opinion, if induced to stay among us with his collections, it will be a valuable acquisition to our country.

With great respect, I have to be, &c.,

B. FRANKLIN.



FROM SAMUEL VAUGHAN TO JOHN JAY.

Philadelphia, December 29, 1786.

Sir,

Since I had the pleasure of seeing you I have entertained some thoughts, with the concurrence of my friends, of offering myself as a candidate for one of the offices in the Mint lately established by Congress; and in this case I have little doubt your favoring me with your counsel, and if the idea meets your approbation, of then assisting me with that recommendation only, for which your acquaintance with me might be a foundation. As to a friend, I shall take the liberty of speaking fully of my views, and I shall hope for your indulgence, in attending for a few moments to them.

I am too much an advocate for liberty of retirement, ever to seek an office to form my object in life; my circumstances and connexions render me perfectly independent of every pecuniary motive; and I hope I have more meritorious reasons for my conduct than any external applause. I am induced, sir, to offer myself in this line, as the one in which I could be the most eminently useful, and which I could execute with the greatest self-approbation. I appeal, sir, to

your own knowledge of my studies and travels, for a presumption of my ability for this office, as coinage is, particularly in Germany, one of the inferior branches to chemistry and mineralogy. However, the best chosen collection of books in this continent, in this line, a collection of minerals that would be very respectable even in Europe, and a perfect apparatus for every operation, particularly for assaying, which I have just received from Europe, will carry a still stronger proof of my having made metallurgy a considerable object of my attention. Exclusively, I pretend to connexions in Europe that lead me to imagine I could execute the proposed plan more perfectly and more economically than it is likely may be done by perhaps any one on this continent. I should be happy to be nominated to the appointment in question, provided that it was not to be considered as binding for more than from three to six years, and provided that six weeks or two months in the year might be allowed me, when the Mint was once in a regular train, for an attention to my private concerns. I cannot help here observing, that there seems to be an error made by Congress in the arrangement of the Mint. It is the establishment of separate offices, to appearance, also independent of each other, and nearly on a level. One director, to which every department should be subservient, would be less expensive, more regular and expeditious, and less liable to miscarriage.

My ultimate object, sir, in seeking this employment, is not the Mint, the direction of which, in itself, would be a trifle; but another, more important and extensive. It is the exploring the mineral productions of the United States. It is the public utility and my inclinations that I consult; not my personal emolument. The object would require some years, and to pursue it at my own private expense would be too great a sacrifice. I shall not only be satisfied if my extraordinary disbursements are paid, but I wish to save that expense to the State, by uniting the pursuit with an office the duties of which will be extremely cumbersome; and as unconnected with my own plan, I should derive neither satisfaction, honor, or profit. If my own ideas are not approved of by yourself, I beg you to interest yourself no further on the subject. I, however, imagine that there will be no difficulty in the union, and that when the Mint is once established, and in a regular train, as much time may be spared as the seasons would allow, to apply to the object in question.

The plan that I would have the honor to propose, would be to travel through the most inhabited parts of the country to determine the different mineral productions, and give the result of my inquiries to the public in different and easy modes of information. To point out the ores proper for the extraction of the several metals; clay for bricks, crucible work in the various manufactures, pottery, queen's ware or porcelain; lime and marl for fluxes, manure or cement; sand proper for making of glass, for casting, or colors; coal for its various applications; common salt in countries distant from navigation, and salt springs; and strata of other salts for alum, soap, powder, &c., besides an infinity of other mineral productions necessary to society. Mineralogy is at present reduced to a regular science; it is found of late that the mountains in the universe are not the confused mass of substances formerly supposed, but are so homogeneous as to give sufficient grounds for systems of subterranean geography; and have a certain regularity that to one informed in this science renders the exploring of a country but seldom difficult. The only objections to my mind arise from the badness of the roads in some parts, and the prejudices of individuals in others; and this latter renders the sanction of the public authority the more necessary.

Not, however, to occasion too high expectations being formed of this plan, I must add, sir, that I cannot, notwithstanding what I have said above, pretend in every case to point out directly the place where a man may find the substance he stands in need of, particularly the metals. My province will only be to indicate the most probable places of research. It is possible, with considerable accuracy, to determine every kind of strata in a country, but not to point out the presence of every adventitious substance, not a necessary and constituent part of that strata, but which, when existing, might be found in that strata alone. Thus there is a kind of copper ore found only in a certain species of slate. I might discover where that slate is, but it is a chance to determine whether the ore is in it, and will be impossible further to determine whether in sufficient quantity to deserve notice. It is again easy to determine whether certain strata exist in a country, but not whether they are proper for the uses we require. Thus clay or coal may be found, but it must be the object of particular research to know whether the first is sufficiently free from metals or acids for porcelain, or the latter of a proper purity to apply to the working of metals. In short, it is not to discover the particular

spot where every substance may be found with every necessary circumstance for application to the various manufactures in which the same mineral may be used, but to give the general system of the country, and the probable places in which different manufacturers may search for their several objects. The assertion which I have made of there being a certain determinate order of strata in every part of the globe, of which we have as yet any accounts, you may imagine to have some foundation also in this continent, from the common observation of the mountains running in ranges; but, at the same time, the extent of this continent points out the labor and time that it will be requisite to devote to the subject before we can flatter ourselves with any considerable return. So far, sir, for my plan; I will now touch upon the expediency of it.

The encouragement of mining has, by many sensible people on this continent, been highly reprobated as likely to turn to the prejudice of the community; many examples offering in this country in their favor in cases of a want of success, and that of Spain, where they have the most decided. But, sir, in this, as in every thing else, ignorance is the source of error. What should a rational man, short of disappointment, expect in the application of a science, with the first rudiments of which he was totally unacquainted? Mining in Sweden, Denmark, Germany, and lately in France and Russia, where they are guided by experience and instruction, is a manufacture in the strictest point of view; being, as in the case of every manufacture, governed by the rarity of the first materials, and the labor spent in producing them. And, further, they are as well calculated, and carried on with as much certainty of the produce, in relation to the expense, as almost in any other manufacture. On the other hand evil effects are produced in Spain, not by the pursuit of mining, but by the depravity of the Legislature. In a free country every thing tends to an equality, and there is only that difference existing necessary to reward the industrious. No evil can arise but luxury, which carries with it its own cure; and otherwise I believe it would be very difficult to prove any gift of nature to be hurtful where freedom of inquiry is permitted, and still less where it is encouraged, and the human mind guided by the precepts of reason. But although mining forms a capital object in the present plan, it is by no means the principal one, and much less does the valuable metals form a considerable part of it. As we have as yet had but little information of any signs of gold or silver in these

States, there is little likelihood of their presence in any considerable quantity. The most necessary ones in our common economy are the most plentiful. If, sir, you pursue the list which I have begun, some pages back you will find that the metals are the least numerous subjects of demand; and if you consider the attention of most European nations to the procuring, working, and combining the metals, and the knowledge requisite, you will perhaps agree that America is likely to attend to more simple manufactures. It is true that America offers little encouragement in the present moment for the establishment of manufactures; but whoever understands the causes of this situation must at the same time perceive their daily and rapid decrease. It is impossible but America must be a manufacturing country as well as an agricultural one. Its nature and situation will render their existence necessary. And if in the neighborhood of navigation the cheapness of European labor may prevent their pursuit, yet when the inland parts become inhabited, the expense of both water and land carriage will render their establishment, in such situations, easy and profitable. But let this period happen when it will, no argument can arise from it against the present plan. The time of inquiry should precede the want, and the greater the present difficulties the more necessary to lend a helping hand. England, famous for its manufactures, particularly of mineral productions, blessed as it is with the utmost exclusive possession of some substances to distribute to its sister nations, greatly fails in most sciences that would assist the research of individuals for raw materials, or when found of procuring them with the greatest economy. There is not a single book I am acquainted with in the English language, made for the instruction of individuals in the several sciences, requisite to give them proper views of those objects; and it is the reason why in England mining is so hazardous and uncertain; nay, often ruinous. It is the reason also why mineral pursuits are so contracted there, and why the inhabitants of these States labor under the same disadvantages.

The inactivity or inadvertency of Government in not procuring proper instructions for its subjects is the cause of the backwardness of England in almost every branch of mineral knowledge. The object is too expensive for patriotic individuals, requires the union of too many branches of science, and the sacrifice of too considerable a proportion of time. In more despotic countries, where the education

of the people depends more on the Government, the rulers, if they have cramped their ideas on subjects where the light of nature is almost a sufficient director, have thought it necessary to instruct them in those which required extent of knowledge, experience, and penetration. France, ambitious that its subjects should enjoy the greatest blessings offered by nature compatible with the constitution of its Government, employed four eminent men the greatest part of their lives in travelling through different countries to determine the subterranean geography of the earth, the modes of procuring the different mineral productions, and their different applications. Their publications form one of the most important guides mankind possess in this line; and from that time the French have constantly had some persons travelling with this view, and daily reaped advantage from the pursuit. The Elector of Saxony employed a well-instructed officer to examine the whole of his territory, and has published his account for the benefit of his subjects. The Elector of Hanover has trod nearly in the same path. The King of Sweden and the Emperor of Germany have instituted similar inquiries, and although the result has not been published from authority, yet it is taught in their schools for mineral officers. Lastly, the Empress of Russia sent the famous Pallas to the various parts of her immense dominions, and after his drawing up a general plan of the country, which has been published for the instruction of the inhabitants in four quarto volumes, she sent, under his direction, properly-instructed persons to all parts of her dominions, to make still more particular researches, and in which they are at present employed. It is the department that Mr. Pallas has successfully executed that I am endeavoring to establish, confident that nowhere can so much good proceed from inquiry and knowledge, as where the pursuit and use of it is guarded by freedom.

This, sir, is the outline of my motives for applying to you at present; the explanation was rather too long for a letter, but yet the novelty of the subject in this country required it. If you think the plan reasonable, likely to be beneficial to the community, and to be carried into execution, I beg you will present the enclosed to the present Treasurer, aided with your support.

I beg my particular compliments to Mrs. Jay, and remain, with the most respectful sentiments, &c.,

SAMUEL VAUGHAN, Jr.

FROM JOHN JAY TO BENJAMIN FRANKLIN.

Office for Foreign Affairs, January 12, 1787.

Sir,

I was this morning honored with your Excellency's letter of the 3d instant, which, relating to a matter within the Treasury Department, shall be immediately laid before the honorable Commissioners, to whom Mr. Morris and Mr. Vaughan have written on the same subject.

Your sentiments of Mr. Vaughan cannot fail to impress a very favorable opinion of him. I have long been in the habit (if I may say so) of wishing well to him and his family, and that he and they might become citizens of America, and derive from it as much satisfaction as they have manifested attachment to our cause and country.

With great respect and esteem, I have the honor to be, &c.,

JOHN JAY.



FROM JOHN JAY TO SAMUEL VAUGHAN, JR.

New York, January 12, 1787.

Dear sir,

I have been favored with your letter of the 29th ultimo, which, together with those that were enclosed with it, shall, without delay, be laid before the Commissioners of the Treasury; for, as your plan evidently merits their attention, I think it is proper for me to communicate it to them, without having previously formed an opinion whether it should now be adopted, either in the whole or in part. What I may probably think and do respecting it, I forbear to mention or to hint; for I find it best to make no promises nor professions on such occasions, but to keep myself free from engagements, and at liberty to act, and in such manner as, after due investigation and reflection, my judgment may dictate.

Be pleased to present my best compliments to your father and brother, and believe me to be, with sentiments of esteem and regard, &c.,

JOHN JAY.

FROM JOHN JAY TO THE COMMISSIONERS OF THE BOARD OF TREASURY.

Office for Foreign Affairs, January 18, 1787.

Gentlemen,

I have the honor of transmitting to you, herewith enclosed, two letters directed to you, and two others directed to me, one of which is from Mr. Samuel Vaughan, dated the 29th December last, and the other from his Excellency Doctor Franklin, dated the 3d day of January instant.

Mr. Vaughan's letter to me treats fully and at large the subject to which the others also relate, and which being within your department, I forbear making any other remarks on, than that I consider Mr. Vaughan as being a gentleman of merit, and that several of the ideas he suggests appear to me to deserve attention.

I have the honor to be, with great respect and esteem, &c.,

JOHN JAY.

—o—

FROM COMMISSIONERS OF THE BOARD OF TREASURY TO JOHN JAY.

Board of Treasury, February 25, 1787.

Sir,

We are honored with your letter of the 18th instant, enclosing two letters directed to this Board, from Mr. Robert Morris and Mr. Samuel Vaughan, and two others directed to yourself.

From Mr. Vaughan's letter to the Board we are not able to determine what office in the Mint department he would wish to occupy; though from the detail he has entered into in his letter to you, we have reason to conclude that the office he has in view is in no degree connected with the present establishment of the Mint. As we have no authority under the late ordinance of the Mint to nominate any of the officers who are to execute the various duties of that establishment, we can only engage to lay before Congress the communications you have been pleased to make to this Board on the subject of Mr. Vaughan's application.

Enclosed you will be pleased to receive the letters directed to yourself from his Excellency Doctor Franklin and Mr. Samuel Vaughan.

We have the honor to be, with great esteem and respect, &c.,

SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

FROM BENJAMIN FRANKLIN TO CHARLES THOMSON.

Philadelphia, January 27, 1787.

Dear Friend,

You may remember that, in the correspondence between us in June last, on the subject of a million *free gift* of the King of France, acknowledged in our contract to have been received, but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the Farmers General, I mentioned that an explanation might doubtless be easily obtained by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them, but being desirous that the matter should speedily be cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now enclose a copy, with his answers, and several letters from M. Durival, who is *Chef du Bureau des Fonds* (and has under his care the finance) *des Affaires Etrangères*.

You will see by these letters that the million in question was delivered to somebody on the 10th of June, 1776, but it does not appear to whom. It is clear, however, that it could not be to Mr. Grand, nor to the Commissioners from Congress, for we did not meet in France till the end of December, 1776, or beginning of January, 1777, and that banker was not charged before with our affairs.

By the Minister's reserve in refusing him a copy of the receipt I conjecture it must be money advanced for our use to M. de Beaumarchais, and that it is a *Mystère du Cabinet*, which, perhaps, should not be further inquired into, unless necessary to guard against more demands than may be just from that agent; for it may well be supposed that if the Court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain. Pray tell me, has he dropped his demands, or does he still continue to worry you with them?

I should like to have these original letters returned to me, but you may, if you please, keep copies of them. It is true the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. Yet, if it was put into the hands of any of your agents or Ministers, they ought certainly to account

for it. I do not recollect whether Mr. Deane had arrived in France before the 10th of June, 1776;* but from his great want of money when I joined him a few months after, I hardly think it could have been paid to him. Possibly Mr. Jefferson may obtain the information, though Mr. Grand could not, and I wish he may be directed to make the inquiry, as I know he would do it directly; I mean if, by Hortales & Co.'s further demands, or for any other reason, such an inquiry should be thought necessary.†

I am, &c.,

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, June 27, 1788.

Sir,

In arranging some old papers I lately found the enclosed letter from Mr. Blunt, enclosing copy of a certificate of Commodore Jones in favor of John Jackson. I ought (though so long delayed) to send some answer. Can you inform me whether anything has been done for Jackson in consequence of the Commodore's promise?

I send you, also, two other papers respecting services formerly done the United States by Mr. Limozin, of Havre, and Mr. Milliet, of Lisbon, for your consideration, and to be disposed of as you shall think proper.

Please to inform me whether Dohrman is still in America. With great and sincere esteem, &c.,

BENJAMIN FRANKLIN.



FROM JAMES BLUNT TO BENJAMIN FRANKLIN.

London, August 2, 1785.

Sir,

Well acquainted as I am with your sentiments of philanthropy and benevolence, from the testimony of those friends of yours whom I have the pleasure of being acquainted with, I deem an apology

* Deane did not arrive in Paris till the first week in July.

† This matter was not cleared up till 1794, when Gouverneur Morris was American Minister in Paris. By application to the Government he procured a copy of the receipt of the person who received the million of francs on the 10th of June, 1775. It proved to be Beaumarchais, as Dr. Franklin had conjectured. See *Pikin's History of the United States*, vol. I. p. 422.

unnecessary for the liberty I take of intruding on your time, as it is to lay before you a case of real distress. A friend of mine has shewn me the originals of the enclosed papers, and tells me the poor man has placed his whole dependence on the allowance mentioned in them. He has waited for some time the arrival of the American Ambassador at this Court, to whom he has shown his claim; but he has been referred by him to Mr. Jefferson, at Paris. If you would be so kind as to inform me what are the proper measures to be taken for assisting this poor man, and your opinion on his case, you will oblige me, and increase the veneration and respect which your illustrious character has excited in me.

I beg leave to congratulate you, as well in my own name as in that of my father, Mr. William Blunt, and all our family, on your safe return to this country, and with sincerest wishes for your health and enjoyment,

I remain, &c.,

JAMES BLUNT.

Copy.

I do hereby certify that the bearer, John Jackson, of Hull, came on board the American ship-of-war the *Bon Homme Richard*, under my command, off the Spurn, on the coast of England, on the morning of the 22d September last, he having mistaken the *Bon Homme Richard* for a British ship-of-war; that I found it necessary to detain him on board while near the banks on that coast, and afterwards purposed to set him, with his companion and their boat, at liberty, and reward them for the service that I had obliged them to perform; but on the day following, when I met with the Baltic fleet, as the pilot-boat was some incumbrance, the partner of the bearer was put on board to keep the boat out of harm's way during the action between the *Bon Homme Richard* and *Serapis*, after which he was to return and take in the bearer, that they might return home together. The boat, however, did not return, and the poor man had, in the action, the irreparable misfortune to lose an arm. Deeply impressed with a sense of his misfortune, and earnestly desiring to make this poor man and his family what recompense lays in my power, I have given him this day an hundred ducats; and I do also promise, in behalf of the United States, that he shall receive half

pay as a pilot the remainder of his life, to commence from the date hereof, payable every six months by the American Ambassador at the Court of France, upon certificate at each payment from two or more magistrates, expressing the place where the bearer, John Jackson, is then living, and that he is really and truly the person in whose favor this obligation is granted.

Given on board the Serapis at the Texel, November 15, 1779.

JOHN PAUL JONES.

Copy.

Town and County of Kingston upon Hull.

We, two of his Majesty's Justices of the Peace for the town of Kingston upon Hull aforesaid, and county of the same town, do hereby certify that John Jackson, of the same town, mariner, (to whom a certificate was given dated November 15, 1779, under the hands of John P. Jones, thereby promising on behalf of the United States of America, that the said John Jackson should receive half pay as a pilot the remainder of his life, to commence from the date thereof, payable every six months by the American Ambassador at the Court of France,) is now living in the parish of the Holy Trinity, in the town of Kingston upon Hull aforesaid, that he is really and surely the person in whose favor the said certificate was granted.

Given under our hands this 10th day of June, 1785.

HEN. BROADLEY, Mayor.

H. ETHERINGTON.

FROM JAMES MADISON TO BENJAMIN FRANKLIN.

Virginia, April 20, 1788.

Sir,

I have the honor to enclose herewith a letter of Mr. Limozin, of Havre de Grace. The external address to me was made on a supposition of my being an attending member of Congress, as I find from a note within the letter, in order to make me acquainted with the circumstances which are to be laid before Congress.

With the highest respect and esteem, &c.,

JAMES MADISON.

FROM ANDREW LIMOZIN TO BENJAMIN FRANKLIN.

Havre de Grace, January 26, 1788.

Most Honored Sir,

I have learnt with the greatest pleasure that your Excellency enjoys a good health, for I am enquiring about it from all the travelers who are coming from America. I am now forwarding to Congress an act passed in our King's Council for sundry favors granted to the American trade. Mr. Jefferson applied to me for advice relating to that matter a long while before that act took place ; but I was sorry to find that only a small part of the favors I had required were granted. It is a very great pity that the French Ministers are not thoroughly acquainted with all particulars concerning trade, and know but very little about the duties received in our custom-houses, which increases the troubles of a foreign Ambassador. I am in good hopes that as soon as your country will be entirely settled in the regulation of its administration, your Excellency will not forget that when peace was made a very considerable number of American prisoners came from England to this port ; that they were in the greatest distress, and that they had neither shoes nor stockings—nay, even a great many had no breeches ; that we had at that time very severe cold weather ; that these poor souls, having no money, could not provide themselves either with these articles, or even with victuals. Hunger is a necessity which forces sometimes the most virtuous people to forget their duty, and in consequence will force a man to extremes. I have experienced it during almost a fortnight, that we had such a great number of American prisoners landed here, coming from the English prisons. These unhappy men, who had sacrificed their liberty in working and fighting for their country, expected to find relief when they came back to a country which they knew had fought for their cause. When I showed to these unhappy fellows the orders I had from Mr. Barclay not to let them have a farthing, because Congress had not provided for them, I heard at once four or five hundred tongues threatening me to pull down my house. I was obliged to assist every one of them in proportion of their distress—to give six livres to some, nine to others, and twelve to them who had neither shoes nor shirts nor stockings, and had only a very poor pair of trowsers. I mentioned it when I had the honor to enjoy your Excellency's company at my house ; your Excellency

was so obliging as to promise to mention it to Congress, in order that I should be, if not reimbursed entirely, at least rewarded. Since that time I have performed the duty of the agency for the United States of America; and I am happy enough to say that I have done it to the great satisfaction both of the American masters and of the sailors. I have procured them redress, justice; and I can with pleasure say that, until this day, not one single American master—nor one single American sailor—has complained that I have not done justice. When I have seen masters refusing to acknowledge my authority, and in consequence to comply with my advice, I have advanced money to the sailors whom the masters (very often Scotch) wanted to impose upon them, to procure redress to these poor people. Mr. Thomas Jefferson has been informed of all my proceedings, which have met with his approbation. An American ship, called the Polly and Sally, Captain Thomas, was under the risk of being seized three weeks ago, for having taken a freight at Senegal for this place, although the master had got permission from the Senegal governor to undertake that voyage. I applied to Mr. Jefferson, and claimed his protection in behalf of that captain. He found that the master, having transgressed, it would not be possible, considering his appointment, for him to take the defence of that master. I have done it myself, and succeeded not only to get for the master leave to unload here, but procured him justice for his freight and due demurrage.

I should have never repeated these circumstances, had I not observed that Congress having lately taken into consideration the services of one Mr. Dohrman, have rewarded him for the same, I must own that I never expected to be reimbursed for the money I had distributed amongst the American prisoners, because I was not entitled to do it; on the contrary, Mr. Barclay had informed me that funds were appointed by Congress for that purpose. I must own likewise that if I had not seen these poor people so angry and in such passion, fomented by their extreme distress, I should not have given them that assistance.

I shall not enlarge myself any further on that subject. I shall be perfectly satisfied with what Congress will do in my behalf. I enjoy, thank God, a fortune which is not much lessened by the above expenses. If Congress will defray nothing about it, I must beg that I should be legally appointed agent, with power in behalf of my son, Edward Limozin, to act such in my absence. I hope your Excel-

lency will not refuse to make in my name the above petition to Congress, and honor it with your recommendation.

I have the honor to be, &c., ANDREW LIMOZIN.

MEMORIAL OF THE SIEUR GABRIEL MILLIET, FORMERLY MERCHANT
AT LISBON, BUT NOW RESIDING AT CHAILLOT, NEAR PARIS.

Translation.

The Sieur Arnold Henry Dohrman, commissioned by Congress to give every necessary assistance to such Americans as the fortunes of war might bring into this port, called upon me in the month of January, 1780, and proposed to me to engage in some adventures to America in mutual concern with him, not daring to undertake it of himself, he said, lest he should render himself suspicious to the Portuguese Government. He showed me so many advantages in these operations that I consented to make at least one trial. We therefore agreed that I should purchase a ship, that I should fit her out, and that he would load her with wines to the amount of the cost of the ship; and that for greater security she should be cleared out for St. Eustatia, and stop at Cadiz to be made a Spanish bottom, and take out letters of marque in order to cruise for prizes between Europe and America.

These points being agreed upon, I ordered Mr. Roze, my clerk, a Portuguese, to purchase a ship. He immediately executed my orders, and purchased, in his own name, but for me and with my money, at auction, the 29th January, 1780, an American vessel called the Roebuck; this ship, which had been captured by an English privateer, and brought into this port, was sold by Messrs. Breton & Brothers, to whom it was consigned.

The purchase money, duties, petty charges, and provisions, run this ship up to about twenty-four thousand livres, and I think that Mr. Dohrman put in her to the amount of eighteen to nineteen thousand livres in wines of different qualities. He, moreover, put on board fifty or sixty American passengers, who were all supported by the provisions I had put on board.

Mr. Dohrman has undoubtedly claimed payment from Congress for the advances made the Americans, both on account of their expenses at Lisbon, as well as their passage from Lisbon to America; but I will not anticipate, and will relate facts as they happened.

This ship took out Portuguese papers, and was called the *St. Francis and St. Rose*, and sailed the 23d February for Cadiz, where she arrived the 26th of the same month. Mr. Dohrman then took charge of her, and addressed her to Messrs. Grepy Agazino & Co., of that place. These gentlemen, in conformity with orders, made a pretended sale of her to Don Joseph de Mirande, a Spanish merchant, who accordingly furnished her with Spanish papers, and obtained letters of marque, and despatched her for English America.

As I have said above, there was on board this ship between fifty and sixty American passengers, who were maintained at my expense, as well on board said vessel as in Cadiz, where I paid about one thousand crowns in further supplies of provisions. I make no doubt, as already remarked, that Mr. Dohrman has been reimbursed by Congress for all the expenses relating to these passengers, but I have heard nothing concerning the matter, nor has Mr. Dohrman ever made me the least remittance.

But let us come to the chief point. This vessel arrived fortunately at Boston, but as the Spanish captain who commanded her was not furnished with such titles as would justify the purchase of this vessel at Lisbon, she was claimed by her former owner, who was a merchant at Boston; the wine was also seized with the vessel, and the whole sold. Such, in a few words, is the news I have received concerning this vessel, and I had no other accounts as late as the month of May, 1783, when Mr. Dohrman departed from this city for North America, at which time, being deceived by the said Dohrman respecting the fate of this vessel, I consented to a settlement with him, in which it is said that in order to terminate all differences that might attend a surrender of accounts relating to this ship, I would give up all my pretensions, and would content myself with the sum of sixteen thousand livres, payable in the month of May, 1785, in lieu of about twenty-six thousand livres which this vessel cost me.

Since that time I have learned, from a person who transacted business for Mr. Dohrman in America, and has returned from that country, that the said Mr. Dohrman had obtained a replevy of the seizure made at Boston, and that he received, in the year 1781, the amount of the ship, which was not sold to a loss, and also of the wines which composed her cargo, that had been sold to a considerable profit.

Will not this deception on the part of Mr. Dohrman annul the

agreement of the month of May, 1783, and justify a prosecution for the surrender of accounts concerning this transaction? Several lawyers whom I have consulted in this country are for the affirmative.

I have also another account to settle with Mr. Dohrman. In January, 1780, I sent him seven cases, containing one thousand five hundred and eighty-four hats, amounting to fifteen thousand eight hundred and sixty-seven livres; they were shipped in his name, on board the ship *Juffrouw Catharine*, as you may see by the copy of bill of lading, which is annexed to this memorial, but his declaration of 3d January, 1780, of which I likewise send a copy, proves my property incontestably.

When Mr. Dohrman went out for North America last year, he would neither pay me for this article, nor take any steps to secure me payment, on pretence of not knowing what had become of the hats; but I am informed by the aforementioned person, that the said hats have been sold, and that Mr. Dohrman has received the amount of them, and I know also that they yielded a profit. I ask, therefore, what steps I have to pursue in these two cases.

I have a copy of the bill of lading, of Mr. Dohrman's declaration of 3d January, 1780, and all his other acknowledgments.



FROM JOHN JAY TO BENJAMIN FRANKLIN.

New York, September 3, 1788.

Sir,

During my late absence from the city, the letter you did me the honor to write on the 27th June, arrived. You mentioned to have enclosed in it a letter from Mr. Blunt, enclosing a copy of a certificate from Commodore Jones in favor of John Jackson. But by some mistake neither of those letters were enclosed. The two other papers respecting services done the United States by Mr. Limozin and Milliet, were enclosed; and I expect soon to be enabled to write to you particularly on the subject of them. Mr. Dohrman is still in this city, and the letter enclosed in yours for him has been sent to him. I cannot learn that any thing has been done for Jackson in consequence of the Commodore's promise.

I am, &c.,

JOHN JAY.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Philadelphia, November 29, 1788.

Sir,

When I had the honor of being the Minister of the United States at the Court of France, Mr. Barclay arriving there, brought me the following resolution of Congress :

“*Resolved*, That a Commissioner be appointed by Congress, with full power and authority to liquidate, and *finally to settle*, the accounts of all the servants of the United States, who have been entrusted with the expenditure of public money in Europe, and to commence and prosecute such suits, causes and actions, as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person or persons whatsoever.

“That the said Commissioner be authorized to appoint one or more clerks, with such allowance as he may think reasonable.

“That the said Commissioner and clerks, respectively, take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively.

“Congress proceeded to the election of a Commissioner, and ballots being taken, Mr. T. Barclay was elected.”

In pursuance of this resolution, and as soon as Mr. Barclay was at leisure from more pressing business, I rendered to him all my accounts, which he examined, and stated methodically. By this statement he found a balance due me on the 4th of May, 1785, of 7,533 livres 19 sols 3 den., which I accordingly received of the Congress banker; the difference between my statement and his being only seven sols, which by mistake I had overcharged; about three pence halfpenny sterling.

At my request, however, the accounts were left open for the consideration of Congress, and not finally settled, there being some articles on which I desired their judgment, and having some equitable demands, as I thought them, for extra services, which he had not conceived himself empowered to allow, and therefore I did not put them in my account. He transmitted the accounts to Congress, and had advice of their being received. On my arrival at Philadelphia, one of the first things I did was to despatch my grandson, William T. Franklin, to New York, to obtain a final settlement of

those accounts; he having long acted as my secretary, and being well acquainted with the transactions, was able to give an explanation of the articles that might seem to require explaining, if any such there were. He returned without effecting the settlement, being told that it could not be made till the arrival of some documents expected from France. What those documents were, I have not been informed, nor can I readily conceive, as all the vouchers existing there had been examined by Mr. Barclay. And I, having been immediately after my arrival engaged in the public business of this State, waited in expectation of hearing from Congress, in case any part of my accounts had been objected to.

It is now more than three years that those accounts have been before that honorable body, and to this day no notice of any such objection has been communicated to me. But reports have, for sometime past, been circulated here, and propagated in the newspapers, that I am greatly indebted to the United States for large sums that had been put into my hands, and that I avoid a settlement. This, together with the little time one of my age may expect to live, makes it necessary for me to request earnestly, which I hereby do, that the Congress would be pleased, without further delay, to examine those accounts, and if they find therein any article or articles which they do not understand or approve, that they would cause me to be acquainted with the same, that I may have an opportunity of offering such explanations or reasons in support of them as may be in my power, and then that the accounts may be finally closed.

I hope the Congress will soon be able to attend to this business for the satisfaction of the public, as well as in condescension to my request. In the meantime, if there be no impropriety in it, I would desire that this letter, together with another relating to the same subject, the copy of which is hereunto annexed, may be put upon their minutes.

With every sentiment of respect and duty to Congress, I am, sir,
&c.,

B. FRANKLIN.

CORRESPONDENCE

OF

JOHN ADAMS,

MINISTER PLENIPOTENTIARY TO HOLLAND.

VOL. I.—28

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CORRESPONDENCE.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, March 9, 1784.

Sir,

On the 18th day of February the Baron de Thulemeier, Envoy Extraordinary to their High Mightinesses from the King of Prussia, did me the honor of a visit, but as he found I had company, he soon took his leave, and as I accompanied him to the head of the stairs, he told me he had something to propose to me from the King, and desired to know when he might call again. I offered to return his visit any hour he pleased. He chose to call upon me, and named eleven the next day; at which hour he came and told me, "That the King, who honored him with a personal correspondence, and was acquainted with my character, had directed him to make me a visit, and to say to me that as his subjects had occasion for our tobacco and some other things, and as we had occasion for Silesia linens and some other productions of his dominions, he thought an arrangement might be made between his Crown and the United States which would be beneficial to both;" and the Baron desired to know my sentiments of it.

I answered him, That I was very sensible of the honor done by his Majesty, but that I had singly no authority to treat or enter into conferences officially upon the subject; that Congress had been pleased to confer upon their Ministers at the late peace authority to enter into conferences; that I could do nothing but in concurrence with Mr. Franklin and Mr. Jay, who were at Paris, but I thought I could

answer for the good disposition of those Ministers as well as my own, for forming an arrangement between the two Powers which might be beneficial to both; that I would write to those Ministers an account of what had passed. He desired I would, and said he would write by the first post to the King, and inquire if his Majesty had any thing in particular to propose, would inform him of my answer, and wait his further orders, which probably he should receive as soon as I should have an answer from Paris.

I wrote the next day, and on Saturday last received an answer from Doctor Franklin and Mr. Jay, in which they say that they are persuaded that the communication of the friendly disposition of his Prussian Majesty, made to you by the Baron de Thulemeier, will give great pleasure to Congress. The respect with which the reputation of that great Prince has impressed the United States, early induced them to consider his friendship as a desirable object, and we are happy in being authorized to assure his Majesty that they will most cheerfully enter into such a commercial treaty with him, as, being founded upon principles of reciprocity, may be productive of equal benefit to both countries. Although we have no commission to conclude such a treaty, yet our instructions from Congress enable us to join with the King's Minister in preparing a draft of such a treaty, which, being sent to Congress, they would, together with a commission to conclude the treaty, give us pointed instructions on the subject, and much time might thereby be saved. If you are of this opinion, and his Majesty should be pleased to approve such a measure, we think the articles may be discussed between you and the Baron, in the first instance, on the principles which govern in the treaties you mention, both of which have been approved and ratified, (*i. e.* with Holland and Sweden.) That being done we might confer together, and write a joint letter to Congress on the subject. We shall, nevertheless, make this communication a part of our next despatch to Congress.

Yesterday meeting the Baron at Court, on occasion of the Prince of Orange's birthday, he told me he had received another letter from the King, and would call upon me in the evening, which he did, and informed me that the King had written to him that he was collecting all necessary papers, and would soon send them to him, with his further propositions to be made to me. I shewed him my letter from Paris, with which he was well satisfied.

He added that the King had directed him to mention rice and indigo as articles in demand in his ports of Embden and Stettin; and that a large quantity of Virginia tobacco had been this year purchased in those ports for the Baltic market; and that the excellent porcelain of Saxony might be a desirable article for the Americans.

I beg leave to submit to Congress whether the model of the treaty with Holland or Sweden may not, in general, be convenient for one with Prussia; as also the propriety of sending a full power to their Ministers at the late peace, or one or more of them to conclude this business.

With a great deal of difficulty and at a dear rate, I have at last obtained money to save Mr. Morris's bills, which are payable this month, from going back. Messrs. Willink & Co. will transmit the contract for the ratification of Congress. It is much to be lamented that we are obliged to agree to so high terms, but there was absolutely no other alternative but this or protesting the bills. This business has hitherto necessarily prevented me from joining my colleagues at Paris, in the execution of our instructions.

With great respect, &c.,

JOHN ADAMS.



Extract from the Secret Journal of Foreign Affairs, February 1st, 1785.

On the report of a Grand Committee, consisting of Mr. Read, Mr. Foster, Mr. Partridge, Mr. Howell, Mr. Cook, Mr. Platt, Mr. Cadwallader, Mr. Henry, Mr. McHenry, Mr. Hardy, Mr. Williamson, and Mr. Houston, to whom was referred a letter of the 30th September, from the late Superintendent of Finance, enclosing the terms of a loan of two millions of guilders, negotiated in the United Netherlands by the Honorable John Adams, and an obligation for the same, entered into the 9th of March, 1784, by him on behalf of the United States of America :

Resolved, That three fair copies of the obligation be made out, and that a ratification be endorsed on each of them, duly attested, and that the Secretary for the Department of Foreign Affairs transmit the same by several conveyances to the Minister of the United States, to their High Mightinesses the States General of the United Netherlands.

Resolved, That the ratification be in the following terms :

Be it remembered, that the within contract or engagement, entered into by the Honorable John Adams, Esquire, Minister Plenipoten-

tiary of the United States of America to their High Mightinesses the Lords the States General of the United Netherlands, in behalf of the said States, with Messrs. Willemn and John Willink, Nicholas and Jacob Van Staphorst, and de la Lande and Fynje, and their successors or assignees, for a loan of two millions of guilders, dated at the Hague, March 9th, 1784, hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

Done in the City Hall, in the city of New York, by the United States in Congress assembled, this first day of February, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of our sovereignty and independence.

—o—

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, March 27, 1784.

Sir,

I have the honor to enclose copies of three notes from the Prussian Minister, the Baron Thulemeier, by which Congress will see that the King has agreed to take our treaty with Sweden for a model, reserving to each party the right of suggesting such alterations as shall appear to him convenient. My request to Congress is, that they would be pleased to send instructions at the same time when they send a commission what articles of the treaty with Sweden they would have expunged, and what new ones inserted, if any. I mention the sending of a commission because I suppose it is the intention of Congress to send one. The instructions already received are not a full power under which any sovereign can conclude, nor regularly even treat; we can only confer. There will be some difficulty about the signature, since his Majesty chooses the negotiation should be conducted by M. de Thulemeier. If Congress send the commission to their Ministers at the late peace as they did the instructions, M. de Thulemeier must take a journey to Paris, or a majority of the American Ministers must be at the Hague.

It is a great pleasure to me to be able to inform Congress that I have obtained the promise of a sum sufficient upon the new loan to save the honor of the Financier's bills, although I regret the severity of the terms. They were the most moderate which would obtain the money. I hope for the approbation of Congress, and their ratification of the contract as soon as may be. Money is really so scarce, and

there are so many loans open on even higher conditions, that it will not be possible, I fear, to obtain more money here on more reasonable ones. An impost once laid on to pay the interest, whether by the authority of Congress, if that should be agreed to, or by that of several States, would soon give us better credit here. But in order to keep our reputation, upon which our credit depends, there should be somebody constantly residing here to publish illustrations of our affairs, and to confute the calumnies of our enemies of all denominations.

With great and sincere respect, &c.,

JOHN ADAMS.

NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 14, 1784.

Sir,

The King being desirous to give every possible consistence to the treaty of commerce to be concluded on between his Majesty and the United States of America, very willingly adopts your idea of taking for a model the one which has been negotiated with Sweden, and afterwards introducing such changes as a difference of circumstances and position may render necessary. A copy of this treaty has been asked of me, but as I have none at my disposal, I take the liberty of having recourse to you, sir, and requesting you to give it to me. If I receive it in the course of to-morrow I may be able to forward it by Tuesday's post, which goes, as you may perhaps be informed, before noon.

I have the honor to be, &c.,

THULEMEIER.

P. S. If the treaty of commerce with Sweden should not be in print, I will have that which you shall send me copied immediately, and I will have the honor, sir, to return you the original.

NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 25, 1784.

Sir,

You have desired information of the merchandizes and productions which may be the object of a reciprocal commerce between the

States of his Prussian Majesty and those of the United States of America. I am too much flattered with the idea of establishing these new commercial connexions in conjunction with you, not to be earnestly desirous of communicating to you the ideas I have collected, both from the instructions which my Court have furnished me with in the first instance, and such as I have obtained from other channels. The description that I offer you will be, however, very succinct. Confining myself to the most essential articles, I tender you, sir, every éclaircissement you may wish for, and which may be necessary, perhaps, when the negotiation with which we are charged shall have taken some consistence.

Importations into his Prussian Majesty's Dominions.

- A. Virginia tobacco.
- B. Rice.
- C. Indigo.
- D. Whale oil.

Exportations from his Majesty's Dominions to the United States of America.

- A. Silesian linens of general sale throughout the continent of America, as also in the West Indies.
- B. Russian hemp, the best that is known.
- C. Berlin Porcelain, a finer kind than that of Saxony, and not so dear.
- D. Some productions of Prussian industry, such as hardware from the county of Mark, which till now, as well as the Silesian linens, have gone through the hands of the English, and have consequently increased their price on their entry into America.
- E. Cloths of all kinds, camblets, and such like merchandizes.

I shall add, sir, that the King leaves to Congress the choice of such of his ports for the commerce of exchange, or the deposit of merchandize, as may be most suitable to them. Embden, situated towards the North Sea, opens the ports to a trade with the western part of Germany. Stettin, a maritime place on the Baltic with the interior of this vast region, by means of the Oder. Finally, the ports of the two Prussias establish a beneficial commerce with the Kingdom of Poland, where the American fish, and especially the codfish, may be sold to the greatest advantage.

I have the honor to be, &c.,

THE BARON DE THULEMEIER.

NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 25, 1784.

Sir,

The Sieur Christian Ravenhorst, Lutheran Minister at Ebenezer, in Georgia, died there some years ago; and his widow, Anne Barbarine Krafftin, died in the same place, the 1st July, 1779. By a reciprocal will made between them, the husband bequeathed the sum of £300 sterling to his three sisters, settled in his Prussian Majesty's dominions; and the wife stipulated the same advantages in favor of her family, residing in Ravensburg. The remainder of the estate was to be divided in equal portions between the heirs of the testators, deducting two legacies of £40 sterling each in favor of the religious missions in India, and the orphan house at Halle; Messrs. Joseph Schubtrin and Jacob Waldhauer, at Ebenezer, were appointed executors; and it appears that they administered to the inheritance in this capacity, from a letter they dated 4th May, 1780, to Mary Hoppin, living at Daber, in Pomerania, and one of the sisters of the defunct Ravenhorst. From their own account the moveables of the estates were estimated at £487 19s. sterling; there was £400 in debts, the recovery of which was put into an attorney's hands; there was, moreover, in property, 1,300 acres of land provisionally administered to by the executors, during the troubles of the American war; the heirs received no news concerning the arrangement of the estate; but in the last instance the Professor Freylinghausen, one of the directors of the orphan house at Halle, was informed by a letter from Pennsylvania that Mr. Schubtrin, one of the executors, had died in the meanwhile, and that the second, Mr. Waldhauer, had been plundered by a band of robbers, of all the ready money and effects arising from the inheritance, committed to his care; supposing that this event was supported by legal proofs, the just pretensions of the heirs to the debts subsist still in full force, since the recovery of them does not appear to have taken place; as likewise the immovables, the alienation of which was declared as impossible during the course of the war. One Sophia Newman, of the family of Ravenhorst, settled in Berlin, and sister of the Minister deceased, in Georgia, has claimed her Sovereign's protection; and it is in consequence

of the King's orders that the underwritten, his Majesty's Envoy Extraordinary, has been authorized to place the particulars of this affair before Mr. Adams, Minister Plenipotentiary from the United States at the Hague. He flatters himself that this Minister will be so good as to employ his services to obtain for the heirs an authentic copy of the will and inventory, and make the necessary representations where it may be proper that the executor may be obliged to give an account of the profits of the estate, of the moneys he has administered, and the capital and property, the liquidation of which has not yet been determined.

DE THULEMEIER.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, April 10, 1784.

Sir,

I have the honor to enclose to Congress a copy of a letter from the Baron de Thulemeier, and a copy of a project of a treaty transmitted to me by the order of the King of Prussia. I should hope it might be examined in Congress, or by a committee, and that instructions may be sent concerning any changes to be made in the articles, together with a commission to treat and conclude, to such person or persons as Congress shall please to appoint.

With the greatest respect, &c.,

JOHN ADAMS.



FROM BARON DE THULEMEIER TO JOHN ADAMS.

Translation.

Sir,

I have the honor to send you herewith, *in original*, the proposition of a treaty of commerce to be concluded on between his Prussian Majesty and the United States of America, in the same condition as the King sent it to me, requesting of you to return it to me as soon as you shall have copied it. It will be infinitely agreeable to me, sir, and very satisfactory to our masters, to conduct, in concert with you, this negotiation to the desired point. If to-morrow, between seven and eight o'clock in the evening, you could grant me a moment's conversation, I shall, with great earnestness, call on you to know your sentiments.

I have added, sir, a description of Silesian linens, which, hitherto, have been in great demand by your countrymen; that is to say, if I am rightly informed by the Silesian merchant who furnished it.

I have the honor to be, &c.,

DE THULEMEIER.

Description of the principal articles of Silesian linens which have been sent hitherto to the United Provinces of North America, by the Sieur John Godfrey Linckh, merchant and manufacturer at Hirsberg.

- | | |
|---------------------|-------------------------------|
| 1. Hamburg Lawns, | 5. Tandem double Silesias, |
| 2. Long Lawns, | 6. Tandem quadruple Silesias, |
| 3. Pistol Lawns, | 7. Brown quadruple Silesias, |
| 4. Single Silesias, | 8. Estopills Unies. |

Translation.

Project of a Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of North America.

The King of Prussia and the Thirteen United States of North America desiring to fix in a stable and permanent manner the rules to be observed in the intercourse and commerce between their respective countries, States, and subjects, his Majesty and the United States have judged that the end cannot be better obtained than by taking the reciprocal utility and advantages of the two nations for the basis of their arrangements, by avoiding all burthen-some preferences, which are commonly the occasion of dissensions, embarrassments, and discontents, allowing at the same time each party to make such interior regulations respecting commerce and navigation as may be suitable to themselves.

With this view his Majesty the King of Prussia has nominated and constituted as his Plenipotentiary the _____, and the United States have on their part given full power to _____, which Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the King of Prussia, his heirs and successors, and the United States of America, also between

his Majesty's subjects and those of the said States, as well as between the countries, islands, cities, and places under the jurisdiction of the King and the United States, without excepting any persons or places; the conditions stipulated in the present treaty shall be perpetual and permanent between the King, his heirs and successors, and the said States.

ARTICLE II. The King of Prussia and the United States of America mutually engage not to grant hereafter any particular favor, with respect to commerce and navigation, to other nations that shall not immediately become common to either of the contracting parties of the present treaty, who shall partake of this favor gratuitously if the concession is gratuitous, or by giving the same compensation if the favor is conditional.

ARTICLE III. The principal end of this treaty being to open a reciprocal commerce between the subjects of the two States, and to procure for them by that means a sure and easy vent for their national productions; the two contracting parties agree that the merchandizes of Prussian manufactory, particularly linens of Silesia and other provinces belonging to the King, cloths and woolen stuffs, &c., shall not pay other or heavier duties in the United States of North America than what similar merchandizes of the most favored nation pay in the said States on entry and exportation. In like manner the merchandizes of America, such as Virginia tobacco, rice, indigo, furs, &c., shall only be subject, on their entry and exportation in the ports and maritime places belonging to the King of Prussia, to the imposts paid by the most favored nations. It is understood, however, that the subjects of the two respective States shall not be allowed to trade to the ports and maritime places of either State, unless they submit to the established laws and customs of the country where they would wish to trade.

ARTICLE IV. The King of Prussia and the United States of America reserve for themselves the right to prohibit, in their respective countries, the importance or exportation of all merchandize whatsoever when reasons of state require it. In this case the subjects of either of the contracting parties of the present treaty shall not import or export the merchandizes prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same articles, the subjects of the other contracting party shall enjoy the same liberty. It therefore follows that all kinds of

merchandize that are not declared contraband, may be freely imported and exported by the subjects of the two respective States.

ARTICLE V. For the purpose of avoiding the least occasion for discontent, it is agreed on between both parties that when the merchandize shall be laden on board the ships or vessels of either of the two contracting parties, they shall be no longer subject to any visit. All visits and searching shall be made before the loading, and the prohibited merchandize shall be seized on the shore before it can be embarked, unless there be manifest signs and proofs of a fraudulent loading on the part of the proprietor of the ship or of the commander. In this case alone he shall be responsible and subject to the laws of the country he shall be in. In any other case, neither the subjects of one of the contracting parties, who shall be with their ships in the ports of the other, nor their merchandize, shall be seized or molested on account of the contraband articles they intended taking on board, nor any kind of embargo put on their ships; the subjects or citizens of the States where these merchandizes are declared contraband, or the exportation of them is prohibited, and who, notwithstanding, shall have sold, or would have sold and alienated the said merchandizes, are to be the only persons who shall be punished for such an infraction.

ARTICLE VI. The subjects of the King of Prussia shall not pay in the ports, harbors, roads, islands, cities, and places of the United States of America, and reciprocally the subjects and inhabitants of the said States shall not pay in the ports, harbors, roads, cities, and maritime places within the dominions of the King of Prussia, other or greater duties and imposts of any kind whatever than the most favored nations are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, humanities, and exemptions, which the said nations do or shall enjoy, whether they go from one port to the other of the respective States, or whether they go or return from any part of the world whatever.

ARTICLE VII. A perfect liberty of conscience shall be granted to the inhabitants and subjects of both the contracting parties within the jurisdiction of the other, and no one shall be molested on account of his mode of worship, *provided he submits to such public demonstrations as are enjoined by the laws of the country.* Moreover, the respective inhabitants and subjects shall be permitted to bury their dead in

suitable decent places appointed for this purpose, and the two contracting parties shall each of them, within their jurisdiction, provide that the respective subjects and inhabitants may be able to obtain certificates of the death of a person in case they shall be requested to grant them.

ARTICLE VIII. The subjects of the two contracting parties shall have power within the respective States freely to dispose of their personal goods or effects by testament, donation, or otherwise, to whomsoever they please, and their heirs, wherever they may reside, shall succeed to the said effects, *ab intestato*, either by themselves or by others acting for them, without the necessity of obtaining letters of naturalization. These inheritances, as likewise the capitals and funds which the subjects of the contracting parties in moving would wish to carry with them from the place of their residence, shall be exempted from all rights of detraction on the part of the government of the respective States. But it is at the same time agreed that the contents of this article shall not derogate in any manner from the ordinances promulgated by the King against emigrations, or that may hereafter be published on this matter, the United States on their part, or each State in particular, may enact such laws as they shall see fit on this same head.

ARTICLE IX. It shall be permitted to every subject and inhabitant of the States of the King of Prussia, as likewise to the citizens and inhabitants of the United States of America, to navigate with their vessels in perfect security and liberty wherever they please, without distinguishing whom the merchandize and cargo belong to; it shall also be permitted for the subjects and inhabitants of the two States to navigate and trade with their vessels and merchandizes in full security to the parts, ports, and harbors of Powers at enmity with the two contracting parties, or either of them, without being anywise molested or troubled, whether they carry on this commerce directly or from one port to another, both belonging to an enemy under the government of the same or of different princes; moreover, the contracting parties adopt by the present treaty the principle, that free vessels shall make free goods, and that every thing shall be regarded as free which shall be on board of vessels belonging to the subjects of either of the contracting parties, even though the cargo shall belong entirely or in part to the enemies of one of the two; it being understood, however, that contraband articles shall be always

excepted, and that when such articles shall be intercepted, they shall be proceeded against according to the spirit of the following articles. The same liberty shall extend to persons sailing in a free vessel, so that although they may be subjects of Powers inimical to the two contracting parties, or either of them, they shall not be taken out of the free vessels, excepting they shall be military characters actually in the enemy's service.

ARTICLE X. This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting only such as are expressed in the following article, and designated under the name of contraband merchandize.

ARTICLE XI. By prohibited or contraband articles, are understood arms, cannon, ball, arquebusses, muskets, mortars, shells, petards, grenades, saucisses, hoops, carriages, rests for muskets, shoulderbelts, gunpowder, matches, sulphur, shot, pikes, sabres, swords, morions, helmets, halberds, javelins, pistols and holsters, belts, bayonets, horses and harnesses, and every other kind of arms and instruments of war serving for the use of troops.

ARTICLE XII. The following shall not be reckoned among the contraband articles, viz: all kinds of cloths and other manufactures of linens, wool, silk, cotton, or other materials, all kinds of clothing, and what commonly serves for that purpose, coined or uncoined silver, tin, iron, lead, copper, brass, furnace coals, wheat, barley, and all other kinds of grains and vegetables, tobacco, all kinds of aromatics, salted and smoked beef, salted fish, cheese and butter, beer, oil, wine, sugar, all kinds of salt, and provisions which serve for the nourishment and subsistence of man, cotton, hemp, flax, cordage, cables, sails, sailcloths, anchors and parts of anchors, masts, planks, staves, beams, and all kinds of joists; in short, every thing that is necessary for building and repairing vessels.

Moreover, nothing shall be considered as contraband which is not in the form of any instrument or machine for the purpose of war by land or sea, much less any thing fabricated or intended for any other purpose. All such articles shall be deemed free merchandize, as also in general all such as are not comprehended and particularly pointed out in the preceding article, so that they cannot, by any pretended construction, be comprehended within prohibited or contraband merchandizes, but may be freely transported by the King's subjects, and by the citizens of the United States, even to the

enemy's territories, excepting only places besieged, blocked up, or invested, and those only shall be considered as such which are closely surrounded by any of the belligerent Powers.

ARTICLE XIII. In order to remove and prevent, on both sides, all discussion and disorders, it is agreed, that where one of the two contracting parties shall be engaged in a war, the ships and vessels belonging to the subjects of the other shall be provided with sea letters or passports, expressing the name, the property, and burthen of the vessel, as also the name and dwelling of the master or commander, so that it may, by this means, appear that the vessel really and truly belongs to the subjects and citizens of one or the other contracting parties. These passports, which shall be made out in good and due form, shall on both sides be renewed as often as the vessels return home in the course of a year. The said vessels shall, moreover, be provided not only with sea-letters, but also with certificates, containing the particulars of the cargo, the place from which the vessel sailed, and where she is destined, in order that it may be known that she carries no prohibited or contraband goods, specified in the eleventh article of this present treaty, which certificates shall be alike made out by the officers of the place from which the vessel sails.

ARTICLE XIV. Although the vessels of either of the contracting parties may navigate freely and in full security, as is explained in the ninth article, they shall, notwithstanding, be obliged, every time they are demanded, to show, as well at sea as in port, the before-mentioned passports and certificates, and if they are not loaded with contraband articles for an enemy's port, they shall be allowed freely and without restriction to pursue their voyage towards the place of their destination.

ARTICLE XV. If, on producing the certificates, it shall be discovered that the vessel has on board any of the articles which are declared prohibited or contraband, and which are consigned to an enemy's port, it shall not, however, be permitted to break open the hatches of said vessel, nor to open any case, box, bale, or cask, or to displace them, or to overturn the least part of the merchandize until the cargo has been landed in the presence of officers appointed for this purpose, and the *inventory* taken. Moreover, it shall not be permitted to sell, exchange, or alienate the cargo, or any part thereof, before legal process is obtained against the prohibited goods, and

that they shall have been declared confiscated by sentence, reserving, nevertheless, as well the ship as the other goods which were on board, and which, in virtue of the present treaty, are judged free; they shall not be restrained under pretence that they were loaded with prohibited articles, and still less confiscated as lawful prize. And on supposition that the said contraband goods making but a part of the cargo, the master of the vessel agrees, consents, and offers to deliver them on board the vessel which shall have detected them; in this case the latter, after having received the goods as lawful prize, shall be bound to let the vessel go immediately, and shall not prevent her by any means to pursue her route towards the place of her destination. If any vessel, taken and carried into one of the ports of the contracting parties, under pretence of contraband, is found, upon visiting, to be only loaded with goods declared to be free, the owner, or the person who shall have made the capture, shall be obliged to pay all expenses and damages to the master of the vessel unjustly detained.

ARTICLE XVI. It is mutually agreed that every thing that should be found laden by the subjects of one of the contracting parties on board a vessel belonging to the enemies of the other party, shall be wholly confiscated, although these effects may not be among the number of those declared contraband, in the same manner as if these articles belonged to the enemy themselves, excepting, however, effects and merchandizes which shall have been laden on board of vessels belonging to the enemy before the declaration of war, and also nine months after the declaration, after which time it shall be supposed it could not be unknown. The merchandizes shall in nowise be subject to confiscation, but shall be faithfully restored to the owners, who shall reclaim, or cause them to be reclaimed, before their confiscation and sale, where the claim cannot be made within the space of eight months after the sale, which must be public; the proceeds shall be returned to the owner; it being understood, however, that if the said merchandizes are contraband they shall by no means be permitted to transport them afterwards to any port belonging to the enemy.

ARTICLE XVII. And in order to provide more effectually for the security of the two contracting parties and their subjects, all captains and commanders of vessels belonging to his Prussian Majesty and the United States of America, as also all their subjects, shall be

forbid to commit any damage or insult against the vessels of the other party, and in case that any one shall contravene this prohibition, and upon examination shall be found culpable before his own judge, he shall be bound to give satisfaction for all damages and interests, and to indemnify them under penalty and obligation of his person and effects.

ARTICLE XVIII. For this purpose, every person who would fit out a privateer shall be obliged, before he receives his patents or special commissions, to give security, before a competent judge, of good substantial persons, severally and conjointly, in a sum sufficient for the purpose of answering for all damages and wrongs which the owner, his officers, or others in his service may do, during their cruise, against the tenor of the present treaty, and against the edicts made on both sides, in virtue of the same treaty, by the King of Prussia and the United States, and this under penalty of revoking and annulling said patents and special commissions.

ARTICLE XIX. One of the contracting parties being at war, and the other remaining neuter, should it so happen that a merchantman of the neutral Power be taken by the enemy of the Power at war, and retaken afterwards by a vessel or privateer of said Power at war, these ships, as likewise all the ships and merchandizes of what kind soever which shall have been taken in the hands of any pirate or rover of the seas, shall be brought into some port of either of the two States, and put under the care of the officer of said port, in order that they may be entirely restored to their true owner as soon as he shall produce sufficient proofs of his property. The merchants, masters, and owners of vessels, sailors, &c., the ships and vessels, and, in general, any kind of merchandizes or effects of one of the contracting parties or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, places, shores, or dominions whatever of the other party, for any military expedition, public or private use of any person whatever, by seizure, force, or any like manner. Much less shall the subjects of one of the contracting parties be allowed to take or seize on any thing by force belonging to the subjects of the other party, without the consent of the owner, which, however, is not to extend to seizures and arrests which shall be made by order and authority of the justice, and according to the ordinary measures on account of debts or crimes, on which subjects process is to be had agreeably to the forms of justice.

ARTICLE XX. Should it happen that the two contracting parties should be engaged in war at the same time against a common enemy, the following points shall be observed between them :

1st. If the vessels of one of the two nations, retaken by the privateers of the other, shall not have been in possession of the enemy more than twenty-four hours, they shall be restored to the first owner for one third of the value of the vessel and cargo ; if, on the contrary, the retaken vessel shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor.

2d. Where it shall happen that a ship is retaken by a vessel of war belonging to the Government of one of the two contracting Powers within the interval of twenty-four hours, she shall be restored to the first owner for one thirtieth of the value of the ship and cargo, and the tenth if she has been retaken after the twenty-four hours, which sums shall be distributed in gratuities to the crews of the vessels which shall make the recapture.

3d. The prizes made in the aforesaid manner shall be restored to the proprietors, after proof made of the property, with surety given for the part to which the party who has retaken the vessel from the enemy is entitled.

4th. The vessels of war of the two contracting parties, and of their subjects, shall be reciprocally admitted with their prizes into the respective ports ; but these prizes shall not be discharged or sold until their legality shall have been decided according to the laws and regulations of the States to which the privateers belong, but by the judicature of the place into which the prize shall have been conducted.

5th. Moreover, it shall be free to the contracting parties to make such regulations as they shall judge necessary for the conduct of their respective vessels and privateers relative to the vessels which they shall take and carry into the ports of the two Powers.

ARTICLE XXI. The armed vessels may conduct with full liberty the prizes they shall have taken from their enemies, in the open ports in time of war, to other friendly nations ; and these prizes, so entering into said ports, shall not be subject to be stopped or seized, nor shall the officers of the place have any right to take cognizance of the validity of said prizes, which shall be allowed to go out, and be carried in full liberty to the places mentioned in the commissions, which the captains of said vessels shall be obliged to show.

ARTICLE XXII. In case that any vessel belonging to one of the two States, or their subjects, shall run aground, be shipwrecked, or suffer any other damage on the coasts or dominions of the other State, every assistance shall be given to the shipwrecked persons, or to those who are in danger; and passports shall be granted to them to secure their return to their own country; the ships and shipwrecked merchandizes, or their proceeds, if they shall have been sold, being claimed by their owners or their agents within a year and a day, shall be restored on paying the expenses of salvage, conformably to the laws and customs of the two nations.

ARTICLE XXIII. When the subjects and inhabitants of one of the contracting parties, with their vessels, public or private, armed or merchantmen, shall be compelled by storm, by the pursuit of pirates, or enemy's vessels, or by any other urgent necessity, to take refuge and enter into any river, bay, road, or port of the other party, they shall be received with humanity and kindness, and shall meet with every friendship, protection, and assistance. They shall be allowed to provide themselves with refreshments, provisions, and every necessary for the subsistence, the reparation of their vessels, and the continuation of their voyage, at a reasonable price, and they shall not be in anywise detained or prevented from going out of said ports, or road, but may withdraw how and when they please, without any let or molestation.

ARTICLE XXIV. The vessels of subjects or inhabitants of one of the two contracting Powers, approaching the coast belonging to the other party, but not intending to enter into port, or entering therein, not desiring to discharge their cargoes or break bulk, shall not be obliged to do it, but on the contrary shall enjoy all the franchises and exemptions allowed by the regulations which subsist on this head.

ARTICLE XXV. When a vessel belonging to the subjects and inhabitants of one of the contracting parties sailing on the high seas, shall be met by a ship-of-war belonging to the other party, to prevent disorder, the said ship-of-war shall not approach within cannon shot, but shall send, if she pleases, her boat aboard the merchantman, and enter her with two or three men, the master or commander of said ship, on shewing his passport, which proves the property of the ship, to said persons; after said vessel shall have exhibited this passport, she shall have liberty to continue her voyage, and it shall not be

lawful to molest her, nor to seek in any manner to chase her, or to oblige her to quit her intended course.

ARTICLE XXVI. The two contracting parties mutually grant each other the liberty of having, in their respective ports, Consuls, Vice Consuls, Agents, and Commissaries, who shall exercise their consular functions upon the same footing as the Consuls of the other friendly nations exercise them in such places as they reside; but if they shall exercise commerce, they must do it in subjection to the received laws and usages of the place of their residence.

ARTICLE XXVII. The present treaty shall be ratified on both sides. The ratifications shall be exchanged in the space of eight months, or sooner if possible, reckoning from the day of its signature.

In testimony whereof, the respective Plenipotentiaries have signed the foregoing articles, and have thereunto affixed their seals.

Done at

SEPARATE ARTICLE.

The King of Prussia and the United States of North America agree that the present treaty shall be in full force during the term of fifteen successive years, counting from the day of its ratification, and the two Powers reserve to themselves the power of renewing it at the expiration of that time.

Done at

Copied and examined by the original.

J. Q. ADAMS.

At the Hague, April 13, 1784.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, April 22, 1784.

Sir,

I received some time since a letter from an American gentleman, now in London, a candidate for orders, desiring to know if American candidates might have orders from Protestant Bishops on the continent, and complaining that he had been refused by the Bishop of London and the Archbishop of Canterbury, unless he would take the oath of allegiance, &c.

Meeting soon afterwards the Danish Minister, I had the curiosity to inquire of him whether ordination might be had in Denmark; he answered me that he knew not, but would soon inform himself. I heard no more of it till to-day, when the Secretary of his embassy, Mr. de Rosenkrantz, made me a visit and delivered me the papers, copies of which are enclosed.

Thus it seems that what I meant as current conversation only, has been made the subject of deliberation of the Government of Denmark and their faculty of theology, which makes it necessary for me to transmit to Congress. I am happy to find the decision so liberal.

I have the honor to be, &c.,

JOHN ADAMS.

FROM M. DE ST. SAPHORIN TO JOHN ADAMS.

The Hague, April 21, 1784.

M. de St. Saphorin has the honor to communicate to Mr. Adams the answer he has received from his Excellency the Count de Rosenkrone, Privy Counsellor and Secretary of State for Foreign Affairs of his Danish Majesty, relative to what Mr. Adams desired to know. He shall be happy if this answer be agreeable to him, as well as to his superiors, and useful to his fellow-citizens. He has the honor to assure him of his respect.

DE ST. SAPHORIN.

Extract of a Letter from his Excellency the Count de Rosenkrone, Privy Counsellor of his Majesty the King of Denmark, to M. de St. Saphorin, Envoy Extraordinary from his Majesty to the States General.

Sir,

The opinion of the Theological Faculty having been taken on the question made to your Excellency by Mr. Adams, if the American Ministers of the Church of England can be consecrated here by a Bishop of the Danish Church? I am ordered by the King to authorize you to answer that such an act can take place according to the Danish rites; but for the convenience of the Americans, who are supposed not to know the Danish language, the Latin language will be made use of on the occasion. For the rest nothing will be

exacted from the candidates, but a profession conformable to the articles of the English Church, omitting the oath called *Test*, which prevents their being ordained by the English Bishops.

Extract from the Secret Journal of Foreign Affairs, March 21, 1785.

On the report of a committee, consisting of Mr. Holton, Mr. W. C. Houston, Mr. Read, Mr. Bedford, and Mr. Hardy, to whom were referred sundry letters from the Ministers of the United States at Foreign Courts:

Resolved, That the Minister Plenipotentiary from the United States to the States General of the United Netherlands, be instructed to communicate to Monsieur de St. Saphorin, Envoy Extraordinary from his Danish Majesty to the States General, the high sense the United States in Congress assembled entertain of the liberal decision made by his Majesty on the question proposed to his Majesty's Minister at the Hague by Mr. Adams, Minister from the United States, respecting the ordination of American candidates for holy orders in the Episcopal Church, commonly called the Church of England.

Ordered, That the Secretary for Foreign Affairs transmit to the Executives of the several States copies of Mr. Adams's letter of the 22d day of April, 1784, as well as of the papers therein enclosed relative to Episcopal ordination.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 13, 1784.

Sir,

Since my last arrival in Holland I have not transmitted to Congress the details of the politics of this Court and nation, nor of those neighboring Courts which are exciting disputes with it. Mr. Dumas has been in the habit and train of that history, and I have not thought fit to interrupt him. But if I should reside here regularly, the whole business of the mission will of course go through my hands. I therefore wish to know in what light I am to consider this gentleman, and what relation he is to stand in to me. I wish it for the govern-

ment of my own conduct, and still more from regard to him, whom I esteem as a very worthy man, and one who has, for a course of years, been indefatigable in the service of the United States, and who is not adequately rewarded or supported by the pittance which is allowed him. But what is more disagreeable, he has never had any character or commission from Congress, and one knows not what to call him, whether Secretary or Agent. I cannot ask him to act as my private secretary, which is really much beneath him. Although he is ever ready to assist me in all things, I should be happy to know the pleasure of Congress in this respect, and to receive their instructions from time to time in all things which relate to the United Netherlands, which I shall endeavor to execute to the best of my power.

Enclosed is another copy of the project of a treaty with Prussia, which I transmitted to Paris to Messrs. Franklin and Jay, and have received back again from them with their approbation, excepting the few corrections and inquiries marked upon it by those Ministers. The King will send a full power probably to M. de Thulemeier, and I should be happy to know the pleasure of Congress.

With great respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 13, 1784.

Sir,

The measures taken by the neighboring Powers are likely to produce an intimate friendship and connexion between this Republic and France. England has mistaken her policy so much as to delay the signature of the definitive treaty, and to keep up a coldness and distance, which instead of exciting the populace in favor of England as she expected, has only accelerated the union with France, which if she had not been blind she might have foreseen. The Emperor, too, who certainly does not wish a close connection between this country and France, has revived so many ancient pretensions as have alarmed this nation, and produced an application to Versailles for her mediation. The King of Prussia perhaps would not be sorry to see the Republic allied to France; but whether he had it in view or not, his letters have contributed somewhat to that end.

Hitherto there are only two or three provinces which have declared for a treaty with France; but probably the whole number will soon embrace the same policy. The first step will be a treaty of commerce. This will be a bar to the renovation of the ancient alliance with England; but if a war should break out, it will occasion an alliance with France. War may happen, for there are manifest symptoms of a fermentation in the several courts of Europe, and of a jealousy between the two imperial Courts and the House of Bourbon; but still I hope the public tranquillity will not be interrupted. The difficulty of commanding money will be its best security. England would not be sorry to see a war if she could be neutral, but she is not in a condition to foment it by furnishing subsidies.

The Emperor has large views, as it is supposed, both for his people and his family; he is suspected of vast projects of ambition, some of which have Silesia for their object. But hitherto his ambition has not been unjust in general, but has appeared in beneficent designs for his subjects and mankind, and it is much to be wished it may never overleap those bounds. If his life and that of the Empress of Russia should be prolonged for some years, and England should recover the command of money, she may probably furnish that instrument of mischief, and blow up a general war. It is good to look forward as far as we can that we may be prepared for our own part.

With great regard, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 14, 1784.

Sir,

As I had the honor to observe, in a former letter, there is a fermentation in the Courts of the two Empires and those of Bourbon, which appears in several particulars, which may be explained hereafter.

A question of etiquette, which amounts to no more than which of two persons shall enter or leave a room the first, may set all Europe in a flame. The Prince de Gallitzin, the Russian Ambassador at Vienna, has informed the Court that he could not, any longer, give place to the Ambassadors of the Courts of Bourbon. The Chancellor, De Kaunitz, communicated this information to the Ambassadors of France and Spain, who answered that they would not

appear at Court until they should receive the instructions of their masters. So necessary it is for Governments to fix the eyes of their own subjects upon some objects which will keep up in their own minds a sense of their importance; the step of an Ambassador, or the hoisting of a flag, is enough to raise or sink the pride and spirit of a mighty nation. This affair, however, may be accommodated.

The death of the Bishop of Liege will occasion another contest; the Emperor will endeavor that his brother Maximilian should be chosen. France will oppose this, and set up others; this will try their talents at electioneering, and occasion a heat, but not probably a war.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, June 7, 1784.

Sir,

Some weeks ago the Baron de Thulemeier called upon me and delivered me the paper, a copy of which is enclosed marked 1. It is a letter written by the Envoy to the King.

Last evening the Baron called upon me again, and delivered me the answer of the King, contained in the paper, a copy of which is enclosed, marked 2.

I have heretofore transmitted to Congress, by different opportunities, copies of the project of a treaty; and the papers herein transmitted complete the negotiation, and the treaty is ready for signature, unless Congress have other alterations to propose.

As his Majesty seems to choose that this business should be conducted by his Envoy here, who is also desirous of finishing it, perhaps Congress may not judge it too much complaisance, in framing their commission, to give authority to any one to conclude this treaty, in case they should name more than one, as it would be impossible for Mr. Thulemeier to go to Paris. It is not every Ambassador, however high his rank, or numerous his titles, or magnificent his appointments, who arrives at the honor of concluding any treaty. It is a distinction which is made an object of ambition, and is much desired, so that the Baron's inclinations, I suppose, will not be thought inexcusable.

I should hope that Congress might despatch their instructions and

authority to some one, or more, to conclude this affair, with as little delay as possible.

With great respect, &c.,

JOHN ADAMS.

Observations made by Mr. Adams, on the project of a Treaty of Amity and Commerce, to be concluded between his Majesty the King of Prussia and the United States of America, with the alterations which this Minister desired might be adopted by his Prussian Majesty, after a previous agreement on those points between him and his colleagues, Messrs. Franklin and Jay.

1st. Instead of expressing, through the course of the treaty, the denomination of the United States of North America, simply the *United States of America*.

2d. Instead of *respective subjects*, with respect to the United States of America, the word *citizens*.

3d. ARTICLE III. In like manner, to the *merchandizes* of America, add *productions, manufactures*, and merchandizes.

4th. ARTICLE VII. *And no one shall be molested on account of his religion, provided he submits to such public demonstrations as are enjoined by the laws of the country.* On this head a more explicit article is desired, such as the fourth of the treaty concluded between the United States of America and the Republic of the United Provinces. "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party, and their families; and no one shall be molested on account of his religion, provided he submits in the public demonstrations thereof, to the laws of the country. Liberty shall, moreover, be granted, on the death of the subjects or inhabitants of either party, in the territory of the other, to inter them in the usual burial-grounds, or in decent or suitable places appointed for the purpose; and the bodies of the interred shall in no wise be molested; and the two contracting Powers shall provide, each within its respective jurisdiction, that the respective subjects and inhabitants may hereafter obtain the requisite certificates in case of death, when they may be interested therein."

5th. ARTICLE XV. Until the cargo has been landed in the presence of officers appointed for the purpose, and that the *opening* has been made.

N. B. Instead of opening, *inventory*.

6th. The twenty-first article may require some explanation,

since it is found to be contradictory to the seventeenth article of the treaty of amity and commerce between his most Christian Majesty and the United States of America, which contains the following expressions: And, on the contrary, no shelter or refuge shall be given in their ports or harbors to such as shall have made prizes of the subjects of his Majesty or said United States, and if they are forced to enter by distress of weather or the danger of the sea, they shall be obliged to leave it again as soon as possible. After the declaration of this article, it appears that in case of a war between Prussia and France, it would not be admissible for the United States of America to derogate from antecedent treaties concluded with the most Christian King, in favor of a more recent obligation contracted with his Prussian Majesty.

Observations made by Mr. Adams on the project of a Treaty of Amity and Commerce to be concluded between his Majesty the King of Prussia and the United States of America, with the alterations which this Minister desired might be adopted by his Prussian Majesty, after a previous agreement on these points between him and his colleagues, Messrs. Franklin and Jay.

ARTICLE III.

The principal end of this treaty being to open a reciprocal commerce between the subjects of the two States, and by that means to procure for them a sure and easy vent for their national productions, the two contracting parties agree that the merchandizes of Prussian manufacture, particularly linens of Silesia and other provinces belonging to the King, cloths and woollen stuffs, &c., shall not pay other or heavier duties in the United States of North America than what similar merchandizes of the most favored nations pay in the said States on importation and exportation. In like

1st. Instead of expressing through the course of the treaty the denomination of the United States of North America, simply the *United States of America*.
2d. Instead of respective subjects, with respect to the United States of America, the word *citizens*.

Answers to the preceding observations.

May be changed without any difficulty.

The same.

manner, the merchandizes of America, such as Virginia tobacco, rice, indigo, furs, &c., shall only be subject, on their importation and exportation in the maritime places belonging to the King of Prussia, to the same imposts as are paid by the most favored nation.

Add the *productions, manufactures, and merchandizes.*

Granted, the rather as the general term of merchandizes comprehends alike productions that grow and manufactures.

ARTICLE VII.

Perfect liberty of conscience shall be granted to the inhabitants and subjects of either of the contracting parties within the jurisdiction of the other, and no one shall be molested on account of his mode of worship, provided he submits to such public demonstrations as are enjoined by the laws of the country. Moreover, the respective inhabitants and subjects shall be permitted to be buried in suitable and decent places which shall be appointed for this purpose; and the two contracting parties shall each of them provide, within their jurisdiction, that the respective subjects and inhabitants may be able to obtain certificates of the death of a person, in case they should be requested to grant them.

On this head a more explicit article is required, such as the 4th article of the treaty concluded between the United States of America and the Republic of the United Provinces: "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party and their families, and no one shall be molested on account of his religion, provided he submit, in the public demonstration thereof, to the laws of the country. Liberty shall, moreover, be granted, on the death of the subjects or inhabitants of either party in the territory of the other, to inter them in the usual burial grounds, or in decent and suitable places appointed for the purpose; and the bodies of the interred shall in nowise be molested. And the two contracting Powers shall provide, each within its respective jurisdiction, that the respective subjects and inhabitants may hereafter obtain requisite certificates in case of death, when they may be interested therein."

This article can be minutely as is desired in the observations.

ARTICLE XV.

If on producing said certificates it shall be discovered that the vessel has on board any of the articles which are declared prohibited or contraband, and which are consigned to an enemy's port, it shall not, however, be permitted to break open the hatches of said vessel, nor to open any case, box, bale, or cask, or to displace them, or to overturn the least part of the merchandize, until the cargo has been landed in the presence of officers appointed for this purpose, and that the *opening* has been made, &c.

Instead of the opening, Granted.
the *inventory*.

ARTICLE XXI.

The armed vessels may conduct, with full liberty, the prizes they shall have taken from their enemies, into the ports open in time of war to other friendly nations, and these prizes so entering into said port shall not be subject to be stopped nor seized, nor shall the officers of the place have any right to take cognizance of the validity of said prizes, which shall be allowed to go out and be carried in full liberty to the places mentioned by the commissions, which the captains of said vessels shall be obliged to show.

This article may require some change, since it is found to be contradictory to the 17th article of the treaty of amity and commerce between his most Christian Majesty and the United States of America, which contains the following expressions: "And on the contrary, no shelter nor refuge shall be given in their ports or harbors to such as shall have made prizes of the subjects of his Majesty, or of the said United States; and if they are forced to enter by distress of weather or the danger of the sea, they shall be obliged to leave it again as soon as possible."

After the declaration of this article it appears that, in case of a war between Prussia and France, it would not be admissible for the United States of

This article may be minuted in the following manner: "The armed vessels of one of the contracting parties shall not conduct the prizes they shall have taken from their enemies into the ports of the other unless they are forced to enter therein by stress of weather or danger of the sea. In this last case, they shall not be stopped nor seized, but shall be obliged to go away as soon as possible."

America to derogate from
antecedent treaties con-
cluded with the most
Christian King in favor of
a more recent obligation
contracted with his Prus-
sian Majesty.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, June 22, 1784.

Sir,

If my memory does not deceive me, I have heretofore transmitted to Congress the advice of some of the foreign Ministers here that the United States in Congress assembled should write a letter to each of the sovereigns of Europe, informing them of the complete establishment of their independence.

Lately, in separate conversations with the Ministers of the two Empires and the King of Sardinia, they all repeated this advice. They say that this is the rule, the practice, and that the precedents are uniform. The Empress of Russia did it lately, when she ascended the throne. They add that this is the precise point of time, now that the ratifications of the definitive treaty of peace are exchanged, which is the most proper to make the communication, and that their Courts expect it from Congress.

Congress, no doubt, will write an elegant letter upon the occasion ; but it would, in substance, be sufficient to say, that on the 4th of July, 1776, they found it necessary to declare themselves a sovereign State ; that they have since entered into treaties with several Powers of Europe, particularly a treaty of peace with the King of Great Britain, wherein that Crown has acknowledged, formally and solemnly, their sovereignty ; and that it is their desire to live in good intelligence and correspondence with the sovereigns of Europe, and of all other parts of the world, and with the one in particular ; and that there may be friendship and harmony between their respective citizens and subjects. These letters may be transmitted to all or any of your Ministers in Europe, to be by them communicated through the foreign Ministers at the court where they reside, or they may be transmitted directly. If Congress are at a loss for the titles of any Sovereign, they may leave a blank, to be filled by the Minister to whom the letter is sent for communication.

The answers which will be respectively given to these letters will prevent many questions, discussions, and chicaneries, because that orders will then be given to all Ambassadors, Governors, Generals, Admirals, &c., to treat all American citizens of the United States according to their characters.

With great respect, &c.,

JOHN ADAMS.

Report of Secretary Jay on the Letter of John Adams, Esq., dated 22d June, 1784.

Office for Foreign Affairs, March 4, 1785.

The Secretary of the United States of America for the Department of Foreign Affairs, to whom was referred a letter of the 22d June, 1784, from the Honorable John Adams, Esq., reports, as his opinion :

That Congress, by their Declaration of the 4th July, 1776, announced the *independence* of the United States to all the nations of the world, and that it was then as perfect and complete as it now is or ever can be.

That it would be most prudent, in the opinion of your Secretary, for Congress, in speaking of the treaty of peace, to avoid, as much as possible, connecting their independence with it, lest such connexion, unless exceedingly guarded, might afford matter to argue an admission that their independence was indebted for legal validity to the acknowledgment of it by Great Britain.

That as a state of war between any two nations calls upon the others to observe and fulfil those duties which either the laws of neutrality, of particular treaties, and compacts may prescribe, it is important to all to be properly informed of the time when such war commences, and when it ceases.

Your Secretary therefore thinks it would be right for Congress, by letter, to announce to the Sovereigns of Europe that the war which lately subsisted between his Britannic Majesty and the United States was terminated by the treaty of peace made between them at Paris, on the 3d day of September, 1783, and that to avoid the necessity of saying any thing on the subject of it, a copy of the treaty should be enclosed in the letter.

Your Secretary submits the following draft of such a letter to the consideration of Congress :

To _____

It gives us pleasure to inform your Majesty that the war which for many years had subsisted between his Britannic Majesty and the United States of America, was happily terminated on the 3d day of September, 1783, by a treaty of peace, which has since been formally ratified by both parties.

The respect we entertain for your Majesty induces us to inform you of this important event, and, for your further satisfaction, to enclose you a copy of the treaty.

Permit us to assure your Majesty of our sincere desire to cultivate harmony and a friendly intercourse between your Majesty's subjects and our citizens; and that we wish to see the commerce of these States with other nations so regulated as to become reciprocally beneficial to them and to us.

When it is considered that monopoly and restraint on one side always produce monopoly and restraint on the other, and that attempts to obtain partial advantages usually occasion equivalent embarrassments, we flatter ourselves that in this enlightened age a policy more consonant to the honor and happiness of mankind will by degrees prevail.

We, for our parts, shall be happy to enter into a treaty of amity and commerce with your Majesty on the most liberal principles; and we have reason to hope that the various productions and rapid population of our thirteen countries, will give them some weight in the commercial State.

We pray God to keep your Majesty under his holy protection.

Done by the United States of America in Congress assembled, at their Chamber in the city of New York, on the _____ day of _____, one thousand seven hundred and eighty-five.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

Auteuil, near Paris, October 20, 1784.

Sir,

The enclosed letters from Mr. Dumas will communicate to Congress the present state of affairs between their High Mightinesses

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and the Government General of the Austrian Low Countries. Those who have negotiated for the Emperor appear to have presumed too much upon the fears and divisions of the Dutch, and to have compromised too hastily his authority and dignity. The Dutch, neither terrified nor dejected, are arming for the defence of their country with unanimity, and are laboring to accomplish a coalition of parties among themselves; which, if it can be effected, will be much for the honor, happiness, and prosperity of the nation.

If the words of the Count de Belgioso were to be taken literally, the war is already commenced, as guns have been fired, and Austrian vessels stopped; but winter approaches too fast for forces to take the field, and before the season for opening a campaign will arrive, there will be much room for negotiation. France will endeavor to reconcile, but if she cannot succeed in this, she must take the part of Holland; besides her general interest in the independence of that republic, and her particular interest in their friendship, which she lately found useful, both to her finances and her possessions in the two Indies, she is not less interested than Holland itself in preventing Brabant and Flanders from becoming rich commercial countries in the hands of the house of Austria, in preventing their trade to the East and West Indies.

How the English will act is a problem. But if they can find an interest in opening the commerce of that country, they have more sagacity than their ancestors, or than any but themselves now living.

Upon the whole there is still room to hope that the peace will be preserved; if it is not there is great reason to fear that the war will be very general. The object the Emperor has in view would be useful to America, as it would open to us some good ports and noble markets, and thereby compel France, England, and Holland to be more complaisant. But we need not wish such an advantage to ourselves at the expense of so general a calamity to mankind, as we have already commercial advantages enough to satisfy a reasonable people. France and Holland are sensible of the advantages we should have; whether England is I know not. A youth of five and twenty, although very promising and very virtuous, appears to have an object in his hands too great for his forces. He does not appear to enter into the true system of his country, nor to comprehend at all her situation relative to foreign Powers.

With great respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

Auteuil, near Paris, November 3, 1784.

Sir,

Dr. Franklin has lately communicated to Mr. Jefferson and me a letter he has received from the Count de Vergennes, and another from M. Grand. The first informs that M. Marbois has informed him that upon his application to the Superintendent of Finances he had received an answer from Mr. Gouverneur Morris, that letters should be written both to Amsterdam and Paris to provide for the payment of the interest of the ten millions of livres borrowed for the United States in Holland by the King, and reminds the American Minister that other interest is due, and that the first payment of the capital will become due next year. M. Grand informs that he is already about fifty thousand livres in advance for loan-office certificates, salaries, &c. These letters the Doctor will no doubt transmit to Congress; and as they relate to matters within his department, I might have been excused from mentioning them, if the mention of Amsterdam had not made it probable that Mr. Morris had it in contemplation to draw upon our bankers there for money to discharge this interest; and I cannot excuse myself from observing that if such drafts should be made, I am apprehensive they will be protested. France is at present in so much danger of being forced to take part in a war in the Low Countries that I am not surprised at the Count de Vergennes's attention to matters of revenue, and that I cannot see any hope that Doctor Franklin will be able to obtain any relief from this Court.

It will be remembered that there is a debt of near a million and a half sterling to France, and another debt of more than half a million sterling in Holland, whose interests are constantly accruing. There are also salaries to Ministers, and there is another call for money which is very pressing; the commerce of the Mediterranean is of great importance to the United States, and to every one of them, and this commerce cannot be enjoyed with freedom without treaties with the Barbary Powers. It will be not only in vain, but dangerous and detrimental to open negotiations with these Powers without money for the customary presents. How are all these demands for money to be satisfied? If cash, bills, or produce can be sent to Europe for the purpose, it will be happy for us; but I suppose that no man

believes it possible, and therefore we must not only forego great future advantages, but violate contracts already made, and faith already pledged, and thereby totally ruin our credit, if not expose the property of our merchants to be seized abroad, or we must borrow more money in Europe. Now, there is no part of Europe in which we can expect to borrow unless it be in Holland, and there we may rely upon it all our hopes will fail us, if effectual measures are not taken to fund our foreign debt.

If adequate funds were established for discharging the interest, we may hope for further credit; without them our circumstances are absolutely desperate.

It is not for me to enter into the question how this is to be done, so far distant and so long absent. It would be impossible for me to form a judgment, if the subjects were within my province, which it is not. The ability of our people for this and much greater things cannot be doubted by any man who knows anything of their affairs, and it is a pity that any questions about the mode should retard this most necessary provision for the existence of our credit abroad.

I have this moment a letter from our bankers at Amsterdam, dated the 23th of October, in which they inform me that they have not received the ratification of my last loan; perhaps it did not arrive until after the recess of Congress. I must earnestly request that Congress would despatch it as early as possible after their meeting, because the delay of it may excite an alarm, and dash all our hopes at once. The half a million sterling which we have obtained in Holland, has been all transmitted to America in dollars by the way of the Havana, or paid in redeeming bills of exchange sold in America for very advantageous premiums. None of it has been laid out in goods, and therefore every other consideration calls upon us to be punctual, as well as our honor, which alone ought to be sufficient. Enclosed are copies of papers received from Mr. Dumas with my answers. I cannot forbear recommending this gentleman to Congress upon this occasion, as the critical circumstances in the Low Countries at this time will render his intelligence very interesting, and his services at the Hague perhaps indispensably necessary.

With great respect, &c.,

JOHN ADAMS.

The following Questions, submitted by their High Mightinesses to M. Dumas, were by him transmitted to Mr. Adams, whose Answers are appended :

QUESTIONS.

1st. On proof of a transfer in good and due form, the property of a vessel to be American, can the necessary sea letters be obtained at the Hague?

2d. Is it necessary that the purchaser should be a citizen of some town belonging to one of the thirteen States, or will it suffice that he is settled there, though only since the acknowledgment of the independence of America? Has a *citizen* greater claims to the protection of Congress than an *inhabitant*?

3d. The property of a vessel being proved American, (agreeably to the first question,) is it indifferent in what port she is, and to what port she is destined, or is this confined to a certain port in Europe and to a certain port in America, and *vice versa*?

4th. Is it necessary that the captain of such vessel should be an American citizen, or will it answer if he has been born in a city, town, or village actually dependent on Congress?

5th. In case of purchasing a vessel on account of an American, for which there is an immediate employment, may she not be commanded by a captain of another nation, supposing that at the time no American captain could be found who might be entrusted with the command?

6th. Should a vessel, sold and transferred to a citizen or inhabitant of the continent, be taken by the enemy, sailing under foreign colors, could a reclaim by Congress be expected?

7th. In case such vessel should be bound from a port in Europe or America for a Mediterranean port, or should actually be at some port in the Mediterranean, and elsewhere destined, what means are to be taken, and what papers are to be shown, to obtain the necessary Turkish passports to navigate that sea?

ANSWERS.

1st. There is no man at present in Holland legally authorized by the United States in Congress assembled to issue sea letters.

2d. Both citizens and inhabitants have a right to protection. But every stranger who has been in the United States, or who may be there at present, is not an inhabitant. Different States have different definitions of this word. The domicile, and the "*animus habitandi*" is necessary in all.

3d. All vessels *bona fide* the property of American citizens or inhabitants, have a right to protection.

4th. American citizens and inhabitants have a right to navigate their vessels by captains and seamen of any nation.

5. Undoubtedly. But let the parties look to themselves that the translation be *bona fide* and clearly proved.

6th. The evidence of this must be very clear. The United States will scarcely interfere in such a case, if there is a doubt of the fact or a suspicion of collusion.

7th. The United States have not yet a treaty with the Turks or Barbary Powers, and therefore no such papers are to be had.

AUTEUIL, November 3, 1784.

Mr. DUMAS:

I have given to the several preceding questions the only answers in my power, and hope they will be satisfactory. It is in the power of Congress alone to authorize any other answers. To that august assembly, therefore, you will do well to write a full account of all these things, and if it is consistent with their wisdom, it will be very pleasing to me if they should send you a commission as *Chargé d'Affaires*; for such an officer, or another Minister, seems now to be necessary, on account of the danger of a war.

JOHN ADAMS.

Extract from the Secret Journal of Foreign Affairs, January 20, 1785.

On the report of a committee, consisting of Mr. Monroe, Mr. Platt, Mr. Read, Mr. Hardy, and Mr. Speight, to whom was referred a letter of the 3d November, 1784, from the Honorable John Adams, and a letter of the 11th of the same month from the Honorable John Adams, Benjamin Franklin, and Thomas Jefferson:

Resolved, That the paragraph in the joint letter respecting the communications they have received from the Count de Vergennes upon the subject of the Dutch loans guarantied by France, and the particular loans of France, as also the paragraph respecting the letter of Monsieur Le Grand to Mr. Franklin, and the letter of Mr. Adams, be transmitted to the several Executives, and that they be requested to lay them before their respective Legislatures, for their information upon the subjects which they treat, under injunctions of secrecy.

FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, December 15, 1784.

Sir,

I venture to address myself to you as Minister of Foreign Affairs, because I sincerely hope that you have accepted that important office.

The Emperor of Morocco sent an Ambassador last winter to Holland to demand materials for some frigates ; and as none of the great maritime Powers have the courage or the will to refuse such requisitions, obtained them. It now appears probable that they have been employed in corsairs against American trade, and one Virginia vessel appears to have been taken and carried to Tangier. This has spread an alarm, and raised the insurance on American vessels, and rendered it necessary that something should be soon done.

There is danger of our making mistakes upon this occasion. Some are of opinion that our trade in the Mediterranean is not worth the expense of the presents we must make the piratical States to obtain treaties with them. Others think it humiliating to treat with such enemies of the human race, and that it would be more manly to fight them. The first, I think, have not calculated the value of our Mediterranean trade, in which every one of our States is deeply interested. But this is not all. The piratical corsairs will go all over the ocean, and will even raise the insurance upon all our commerce so high as to cost us more in this single article than all the presents exacted would amount to. The last have more spirit than prudence. As long as France, England, Holland, the Emperor, &c. will submit to be tributary to these robbers, and even encourage them, to what purpose should we make war upon them? The resolution might be heroic, but would not be wise. The contest would be unequal. They can injure us very sensibly, but we cannot hurt them in the smallest degree. We have, or shall have, a rich trade at sea exposed to their depredations. They have none at all upon which we can make reprisals. If we take a vessel of theirs, we get nothing but a bad vessel, fit only to burn, and a few guns and a few barbarians, whom we may hang or enslave if we will ; and the unfeeling tyrants whose subjects they are will think no more of it than if we had killed so many caterpillars upon an apple tree. When they take a vessel of ours, they not only get a rich prize, but they enslave the men ; and if there are among them men of any rank or note, they demand most exorbitant ransoms for them. If we could even send a force sufficient to burn a town, their unfeeling governors would only insult and deride. Unless it were possible, then, to persuade the great maritime Powers of Europe to unite in the suppression of these piracies, it would be very imprudent for us to entertain any thoughts of contending with them, and will only lay

a foundation (by irritating their passions and increasing their insolence and their demands) for long and severe repentance. I hope, therefore, we shall think of nothing but treating with them.

But how! where is the money? France calls upon us to fulfil our engagements with her, both for interest and principal, and our creditors in Holland, who are very numerous, will soon be uneasy, unless something is done for their security. Holland is the only place where we can borrow money, and there it will be impracticable, unless our European debt at least be consolidated.

If Congress, therefore, think of borrowing in Holland, they must begin by laying duties at home to pay the interest.

I have not time to enlarge at present on any subject. This is the most pressing, and deserves the immediate attention of Congress and their Ministers, of whom I hope you are one, as I am very sure no man is better qualified or better disposed, but if, unfortunately, you should not be in office, let me pray you to transmit the substance of this letter to Congress.

With great and sincere respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

Auteuil, near Paris, January 10, 1785.

Sir,

I have the satisfaction to inform Congress, that by a letter from our bankers in Amsterdam, I am informed they have in hand near a million of guilders, and consequently, that the two loans I have opened, amounting in the whole to seven millions of guilders, are almost full. This is a full proof of an amelioration of our credit, since January, 1784, when I was obliged, in a very tender state of convalescence, and an uncommonly rigorous season, to undergo the hardships and dangers of a voyage and journey in packet-boats, ice boats, and boors' waggons, to obtain money to save Mr. Morris's bills from being protested.

This is a very fortunate circumstance for us at this time, both as it furnishes us the means of treating with the Barbary Powers, if Congress should authorize us to make the necessary presents; upon which points we wait their instructions, and as it will enable Congress to pay the interest of their debt to France.

Four letters upon the subject of this interest have been communicated to his colleagues, by Doctor Franklin, one from the Count de Vergennes, and three from M. Grand, and no doubt transmitted to Congress.

Doctor Franklin has sounded me several times, to know if I was willing to pay the salaries of Ministers, and Mr. Carmichael's salary, Mr. Dumas's salary, and Colonel Humphreys's; in short, there is no money in Europe at present, but what has been obtained in Holland by my signature, and is supposed to be under my inspection; I shall, therefore, be very soon embarrassed, as there will be many applications to me for money, and I shall not dare to advance it without orders; I therefore pray for the explicit instructions of Congress upon this subject. Your Ministers in Europe must not starve on the one hand, and I must not on the other presume to appropriate money unappropriated by Congress, without necessity.

If it should be the pleasure of Congress that I should draw for necessary moneys upon the certificate of their Ministers here, or that they should draw upon my bankers in Amsterdam, this would relieve me from a great anxiety; at all events, it is absolutely necessary that Congress should communicate to me their commands.

I wish also to know whether it is the expectation of Congress that I should open a new loan, as one of the old ones is full, and the other very near it.

I confess it grieves me to put my hand to an obligation, as it always brings home to my heart the reflection that I am burthening the industry and labor of my fellow-citizens and countrymen with a heavy load; and when demands are laid before me for millions of livres for interest already due, I cannot help wishing that I might never have occasion to sign another obligation. It will, nevertheless, be absolutely necessary, as I believe, to borrow somewhat more; but it behooves the people to consider the necessity they are under of exerting themselves in season to provide for the payment of their foreign debt, and especially to avoid as much as possible the necessity of increasing it. They will find it very impoverishing to send annually out of their country such large sums for the payment of interest; an enormous bulk of the produce of the country must go to make up these sums, and we shall find the drain very exhausting to our patience, if not to our strength.

With great respect, &c.,

JOHN ADAMS.

Report of Secretary Jay on Mr. Adams's letter of 10th January last, (1785.)

Office for Foreign Affairs, April 1, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from the Honorable John Adams to his Excellency the President of Congress, dated 10th January last, reports :

That the said letter contains nothing but what comes directly within the Treasury Department, except the hint respecting treaties with the Barbary States ; for negotiating which Congress have already been pleased to provide.

Your Secretary takes the liberty of observing, that the state of our foreign affairs renders it highly necessary that the Commissioners of the Treasury should be speedily convened, and proceed to business ; for without a general knowledge of the affairs of a department, it must be difficult to conduct, properly, any particular branch of them ; especially in money matters, where the relations between debts, funds, and expenditures are so intimate and extensive as to render order and system in a great degree indispensable.

For these reasons it appears expedient to refer Mr. Adams's letter to the Treasury, and, until their report can be obtained, to postpone deciding whether a new loan is necessary to be opened, and to what amount, as well as purposes to which the remainder of the money in Holland ought to be appropriated.

But as the justice, as well as the dignity, of the United States, requires that their Ministers and servants should be punctually supplied, without the intervention of personal credit, and such like expedients, your Secretary is of opinion that Mr. Adams should be authorized, until the further order of Congress, to cause the salaries of your Ministers and Secretaries in Europe to be regularly paid out of the moneys in Holland, and that by orders under his hand to the bankers, to be from time to time given, as the said salaries become due.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, March 9, 1785.

Sir,

Permit me to congratulate the United States upon the acquisition of a Minister of Foreign Affairs whose long services have so justly acquired their confidence, and whose experience, as well as his talents, so fully qualify him for this important trust.

The joint despatches of their Ministers here will inform Congress of the slow progress of the negotiations entrusted to their care. These delays are owing to the ordinary character of the deliberations of Courts, and are in no measure occasioned by any inattention or inactivity on our part, and, as they are irremediable, must be submitted to with patience.

I must beg leave to repeat a request mentioned in several of my late letters, that Congress would be pleased to transmit the ratification of my last loan, which I opened a year ago in Holland, and is long since full. The delay of the ratification has an ill effect. Congress will be pleased to give orders, if it is not yet done, as I hope it has • been, concerning near a million of guilders which remain in the hands of their bankers at Amsterdam, as appears by some extracts of letters enclosed.

I have lately enquired of the Baron de Stael, the Swedish Ambassador, and of Mr. d'Asp, the Swedish Chargé d'Affaires, an old acquaintance at the Hague, who has been lately removed to this Court, concerning the presents given by their Court to the Barbary Powers. Both very obligingly promised to write to Stockholm for full information upon this subject. I have written to Mr. Dumas to apply to Mr. Bisdom and Mr. Vander Hope to learn the sums given by the Republic. The answers of those gentlemen I have communicated to my colleagues, and copies of them will be transmitted to Congress by Mr. Humphreys in the joint despatches. If we can avoid this humiliating tribute I should wish it with all my heart, but am afraid we must sooner or later submit to it. I cannot find it in my heart to wish ill success to the two Empires, if they really have, as they are suspected to have, the project of driving wholly out of Europe the Turkish Empire, because the Barbary Powers and their hateful piracies would probably come to an end at the same time. We wait for orders relative to those States, thinking it dangerous saying a word to Morocco before we are ready to treat with all.

There is at this time so intimate a connection between France, Sweden, and Holland, that I fancy we shall scarcely persuade either of the latter to agree to any supplementary treaties unless the former should set the example, which we cannot expect, considering the opposition the Ministry meets with from the merchants of the sea-port towns, and even from some sovereign Courts. The ordinance of 30th August, 1784, which moderates the rigor of the letters patent of October, 1727, and admits foreigners to the commerce of the colonies under certain restrictions, has excited remonstrances from the merchants of Marseilles, Bordeaux, Rochelle, Nantes, St. Maloes, and Havre de Grace; and the Parliament of Bordeaux has remonstrated, and that of Bretagne was very near it. The Marshal de Castries is yet unmoved; but this opposition will, I fear, discourage him from going further.

These remonstrances attack every part of the first article; they oppose the free ports, or entrepôts; they oppose the liberty to strangers to import timber, coal, even live-stock, but especially salt beef, salt fish, rice, Indian corn, vegetables, leather tanned or in the hair, pitch, tar, turpentine; they are eager for reviving the regulations of 1727, and totally excluding all foreigners from their islands. In short, I see that French merchants consider their colonies and colonists as English merchants considered us twenty years ago. It is true that all have not been equally extravagant; some have gone in their remonstrances no further than against salt beef and fish.

Merchants, whether French, English, or Dutch, are very bad rulers of colonies at a distance; and their mistakes, if not firmly corrected by their Governments, will make a serious common cause between Americans, northern, southern, and western.

The French fisheries, in consequence of the extension of their limits by the treaty of peace, upon the Island of Newfoundland, and the free communication between the United States and St. Peters and Miquelon, have succeeded the last year in a remarkable manner. Marseilles, Bordeaux, and Rochelle, and many other places, have engaged in the Newfoundland fishery with a new ardor and uncommon profit. This is one striking advantage, arising wholly from their alliance with us; and they ought to be too sensible of it to wish so soon to exclude us wholly from their islands. The Government and more enlightened part of the nation are so, and will not give way to the interested clamors of those who see no further than their own private profit.

Nothing is more extravagant than the confident pretensions of French and English merchants that they can supply their own islands. It is whimsical, but it is true, that the mercantile spirit should be the most hostile to the freedom of commerce; Governments the most disposed to favor it are continually solicited by bodies of merchants, from partial views and private interests, to restrain and shackle it.

England, it is plain, will never treat with us here, and it is for Congress to determine whether they will accept the proposition of the Court of St. James, and send a Minister there, or renounce all thoughts of treating with it upon any thing. Spain seems equally averse to treating here, but if Mr. Gardoqui has arrived, who has full powers, Congress may treat with him at New York.

The general state of Europe is critical; but the claims of the Emperor are so directly against treaties, which interest so essentially all Europe, that I do not believe he will urge on a war that must embroil all the world, and end not at all to his advantage or honor.

With very great esteem, &c.,

JOHN ADAMS.



FROM MESSRS. WILLINK TO JOHN ADAMS.

Sir,

In conformity to our promise of last Thursday, we have now the honor to advise your Excellency that the balance of the accounts of the United States, now in our hands, amounts to f.1,301,760.4
From this must be deducted the following sums:

For payments which are at hand, interest

of the last loan, due 1st February f.65,986.4

Premiums of the same 50,000

Accepted draughts of Mr. Morris 200,000

Not appeared draughts of do. 12,150 328,136.4

Remains f.973,624

So it appears from this that there is still to the disposition of Congress a capital of 973,000 florins, current money. The sums that at present are in the hands of each house or their bankers amount to, viz:

Wilhem and Jan Willink.....	f.575,000
Nic and Jacob Van Staphorst.....	525,000
De la Lande and Fynje.....	200,000

Together with the abovementioned balance of.....f.1,300,000

The whole number of bonds which are at present unsold in our hands is 252 of the 5 per cent. loan of 5 millions, viz :

Wilhem and Jan Willink have in their possession	110
Nic and Jacob Van Staphorst.....	135
De la Lande and Fynje.....	7

We hope, sir, that this very particular account of the state of business of the United States, trusted to our care, will give you satisfaction ; and we now expect your orders whether you desire that we shall put the whole balance or part of it into the bank of Amsterdam or not. In the meantime we have the honor to subscribe ourselves, with sincere esteem, sir, &c.,

WILHEM & JAN WILLINK.
NIC & JACOB VAN STAPHORST.
DE LA LANDE & FYNJE.

Extract of a Letter from Messrs. Willink & Co.

Amsterdam, February 2, 1785.

Sir,

Last week we received your much esteemed favor of 10th January, and observed with much pleasure your satisfaction on the flourishing state of the Treasury of the United States in our hands. Your Excellency desires our opinion whether the prospect of making new loans for the Congress would be favorable. In answer to this we heartily wish that we may not very soon be charged to try it, and that before it may become necessary Congress may be put in the situation, by a unanimous consent of all the American States of the Confederation, to point out a sufficient fund for the punctual payment of the capital and interest, which, as you know, has not been the case with the two first loans, and which at present would absolutely be required, because the people in this country know that the States have not agreed upon this capital point ; a circumstance that

certainly occasions that the credit of the United States cannot be carried to the point, which we believe it deserves, in consequence of the inward solidity and promising prospect of the source of her welfare. Besides this, we are daily questioned about the ratification of the last loan, and we are at a loss what we shall answer, having received no letters from the office of Finance since the time when Mr. Morris resigned. But, sir, whenever our wishes in these points shall be fulfilled, which certainly will strengthen greatly the American credit, we should not advise to try another loan for some time, because we know that a great number of bonds of both of the former remain still in the hands of the undertakers, which, as you know, is the second hand, and there is no great prospect that they will sell their shares so soon, on occasion that we have every day new loans opened here, as for instance, one of seven millions in favor of the East India Company, one of twelve hundred thousand florins for the States of Zealand, one of two millions for Sweden, and we expect every day a loan for our province; added to this, large sums are employed in the French loan, and you will easily conclude that money becomes very scarce, which we hope will not be the case next year; and if then Congress might wish to pay off their loans in France, and raise the money in this country, it would give us much pleasure to give her again satisfaction with our endeavors, and at the same time to observe an unlimited confidence with our countrymen.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, February 11, 1785.

Sir,

I have now the honor of transmitting to you, herewith enclosed, a ratification made the 1st instant of the contract or engagement which you entered into as Minister Plenipotentiary of the United States of America to their High Mightinesses, the Lords the States General of the United Netherlands, in behalf of the said States, with Messrs. Wilhem, and Jan Willink and others, for a loan of two millions of guilders, the 9th March, 1784.

As the letters received from you, between my predecessors resignation and my acceptance of this office, are yet in the hands of a committee of Congress, I am not in capacity to say anything of their dates or contents.

On the 14th ultimo I wrote a short letter to you, Doctor Franklin, and Mr. Jefferson.

Congress have resolved to send a Minister to the Court of London, and I flatter myself with being soon enabled to write you particularly on this subject.

It would give me great pleasure to hear from you frequently, and to be favored not only with such information as you may think interesting, but also with such remarks and opinions on affairs in this department as may the better enable me to discharge the duties of it.

M. de Marbois, in pursuance of the orders of his Court, has demanded that M. Longchamps be delivered up. I wish that matter had not been pressed. I have laid the requisition before Congress, and shall inform you of the result of their deliberations on the subject. It is in contemplation to appoint a Minister for Spain, and we are informed that an Envoy from that Court may daily be expected here.

I have the honor to be, &c.,

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, April 13, 1785.

Sir,

I have written, by the late packets, for the orders of Congress concerning near a million of guilders in the hands of Messrs. Willink & Co., in Amsterdam, and requesting the ratification of my last loan, and other subjects. By the February packet, hourly expected, I hope to have the honor of letters from you, with the pleasure of Congress relative to these matters.

Our joint despatches will show all the information we have yet obtained concerning the power of the Barbary States, and the costliness of their friendship. We must proceed slowly and cautiously. I often hear the trade of the Mediterranean, and of the Levant, slightly spoken of, and represented as of small value to the United States. I think very differently, with an absolute certainty that time will demonstrate me in the right. But the rise of insurance on all of our trade is to be added to the full value of the trade we may have in the Mediterranean and Levant; and, what is worse, we have the cries of our countrymen in captivity, in chains, and exposed to

many cruelties, to consider. It is not the loss of property which has induced any nation to become tributary to them, but this inhuman practice of enslaving captives. France, England, and Holland have avoided stipulating in treaties to pay a tribute; but Sweden and Denmark have not. I hope we shall not imitate the example of these last. If we are directed to negotiate, we shall probably negotiate through the French Consul, but it will be necessary, finally, for Congress to send Consuls to sign the treaties and to make the presents. We have collected some information, which will be useful to our country, respecting these Powers. I wish we were able to do as much under our commission to Spain; that Court will not treat here, and for us to go to Madrid is a dangerous measure; we know not how much time the negotiation there may require, and if we go and return without success, it will be industriously spread by all the diplomatic corps, and will hurt the reputation of our country in Europe, and elate the English beyond measure, inconveniences which may be avoided by your conducting the negotiation with Mr. Gardoqui, at New York, or by Congress, sending a Minister to Madrid. This, I know, is much desired by the Spanish Court, and by this Court, as many symptoms have indicated, particularly a conversation between the Duke de la Vauguion and me, a few days before his departure for Madrid. A Minister at Madrid would be useful to us in conducting this business with the Barbary Powers, and is in all respects, as far as I can see, a desirable measure. The expense of maintaining three Ministers is the same, whether they reside at Auteuil, Passy, and Paris, or at Madrid, Versailles, and the Hague, and I am sure we could not do less, separately, than we are likely to do together.

You remember, sir, that one of the first things Mr. Hartley said to us was, to propose, in the name of the King, his master, and his Minister, Mr. Fox, that Ministers should be exchanged immediately between Congress and St. James. You have received, before now, the formal proposition from the Marquis of Carmarthen, transmitted to us, through the Duke of Dorset, to the same effect. The appointment of Mr. Temple as Consul General, is a still stronger indication of a real wish in the Ministry that this measure may be pursued, and of a secret consciousness that they shall be obliged to treat. In their refusal to treat here, they would be justified by all the courts and diplomatic bodies in the world. I make no scruple, no hesitation

to advise that a Minister may be sent, nor will I be intimidated from giving this advice, by any apprehension that I shall be suspected of a design or desire of going to England myself. Whoever goes will neither find it a lucrative nor a pleasant employment, nor will he be envied by me. I know that for years, if he does his duty, he will find no personal pleasure or advantage. But the measure of sending a Minister to England appears to me the corner-stone of the true American system of politics in Europe, and if it is not done, we shall have cause to repent it for a long time, when it will be too late. Every thing is calculated, as it appears to me, to involve us in a war with England. Cries and prejudices are fomented in England and America, which have no other tendency but to involve us in a war long before we shall be ready. Ten or fifteen years hence we should have nothing to fear from a war with England, if they should be mad enough to force us upon it. At present it would distress us extremely, although it would ruin England. My system is a very simple one; let us preserve the friendship of France, Holland, and Spain, if we can, and in case of a war between France and England, let us preserve our neutrality, if possible. In order to preserve our friendship with France, and Holland, and Spain, it will be useful for us to avoid a war with England. To avoid a war with England, we should take the regular diplomatic steps to negotiate, to settle disputes as they rise, and to place the intercourse between the two nations upon a certain footing; then we may understand one another, avoid deceits and misrepresentations. It is so much the interest of England that we should be neutral in a future war, that I am persuaded cool and candid reasoning with their Ministers upon the subject would convince them of it. The force of truth is greater, even upon the minds of politicians, than the world in general is aware of. England is now mad with the hope of our having a war with Spain, and even France, in consequence of the family compact, and of our courting them to become our allies and undertake our defence. Surely it would not be difficult for an American Minister to convince a British one that this is chimerical, and that the only thing they ought to expect from America is neutrality. The real thing the English have to fear is our joining their enemies against them in a future war. She has no alliance to hope from us, unless Spain should force us into a war; and even then we ought not to ask or accept aid from England, if we could avoid it, unless France, from the family compact, should join Spain.

This reasoning and this system, you see, goes upon the supposition that we are independent of France in point of moral and political obligation ; but if the sentiments of America are otherwise, and these principles are general, which you and I once heard delivered with great formality and energy, viz: "That America ought to join 'France against England in two future wars, one to pay the debt of 'gratitude already contracted, and the other to shew ourselves as 'generous as France had been," I confess myself all wrong, and to be so totally ignorant of the right duties and interests of my country as to be altogether unfit for any share in their public affairs, foreign or domestic.

At any rate, our negotiations in this place have not answered the ends proposed by Congress and expected by the people of America ; nor is there now scarcely a possibility that they should. I am very happy in my friend, Mr. Jefferson, and have nothing but my inutility to disgust me with a residence here. But I presume Congress will not think it expedient to renew the commission, or attempt any longer to carry on negotiations with the rest of the world in this place. If they should, however, I hope they will think of some other gentleman in my place, as it is my desire to return home at the expiration of the term of the present commissions.

With great respect and sincere esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, April 24, 1785.

Sir,

The letter you did me the honor to write me on the 11th of February last, containing the ratification of my last loan of two millions of guilders, having been properly addressed to me as Minister at the Hague, by a mistake of the post office at Paris was sent to Holland, from whence it returned to me last night. This loan is long since full, as my last loan of five millions of guilders is nearly so ; I must, therefore, solicit the further instructions of Congress whether I am to open any new loan or not.

Your letter to Doctor Franklin, Mr. Jefferson, and me, of the 14th of January, has been duly received and answered.

If I had known a few weeks sooner that Congress had resolved to send a Minister to London, it would have saved you the trouble of a letter upon the subject, which you will receive by the packet. It has appeared to me for some time to be an important and necessary measure; and although the gentleman who may be sent there, whoever he may be, will probably find himself in a thicket of briars, from which he will hardly get free without tearing his flesh, yet I am persuaded that the appearance of an American Minister at the British Court will have good effects upon our affairs, even in France and Spain, and the nations in alliance with them, as well as in the courts and nations in the opposite scale of the balance, but especially upon the British and American nations.

Will it be foreign to the purpose, upon this occasion, or improper for me to observe that the people in America, and their Legislatures in the several States, should prepare the way for their Ministers in England, to require a faithful execution of treaties by setting the example of a punctual execution on their part? If we establish the principle that we have a right to depart from the treaty in one article because they have departed from it in another, they will certainly avail themselves of the same principle, and probably extend it as much farther, as their sense of justice is less, and their opinion of their own power, however ill founded, is greater. It cannot, I think, be too often nor too earnestly recommended to our countrymen to consider the treaty as sacred, and to fulfil it in all its parts, according to its real spirit and intention, in good conscience, in that most delicate point of all respecting refugees. I even wish that the people could conquer their natural feelings and suppress their just resentments. This I am confident is the best revenge that can be taken, and will most effectually disarm even those among them who are most distinguished for their enmity. If we have any thing to fear from Canada and Nova Scotia, or for our whale fishery, it arises, and will arise, from our own severity to these people; and the same observations may be applied to the fur trade and the posts upon the frontier.

Your desire, sir, to hear from me frequently, and to have my poor opinion on the affairs of your department, does me great honor, and shall be complied with to the utmost of my power. But I shall much oftener have occasion for your advice in such affairs as are entrusted to me. I think myself extremely happy, in common with

our countrymen, that I have to correspond with a gentleman to whom our foreign affairs are very familiar, by long experience—who knows where our difficulties and dangers lie, and who has proved himself, upon all occasions, superior to them.

I am sorry to learn that the French Chargé d'Affaires has demanded Monsieur Longchamps to be delivered up, and am the more surprised because I had understood from such sources as I thought authentic that the punishment to which he has been sentenced was satisfactory at Court. It may not, however, be amiss for the French Government to keep up a claim which may be a standing restraint to their own subjects in all foreign countries. But it cannot be doubted that the French Ministry know our right to refuse, as well as theirs to demand; as there is no positive stipulation between the two Powers that criminals shall be mutually given up. And surely it is no perfect right, by the law of nations, nor is it a common practice; so far from it that it will be difficult to show an example of it, where there is no convention,

Your packet for Mr. Carmichael shall be delivered to the Spanish Ambassador, to go by his courier, as you desire.

With the utmost respect and esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 4, 1785.

Sir,

The day before yesterday I received the letter you did me the honor to write me on the 18th of March, enclosing a commission, instructions, and letter of credence to the Court of Great Britain, and a duplicate of your letter of February 11th, with the ratification of the loan in Holland.

The appointment to the Court of Great Britain demands my most grateful acknowledgments to Congress, and the utmost care and diligence in the execution of it.

I am happy to see, by the resolution of March 7th, that a Minister is to be appointed to succeed me at the Hague, both because a Minister will be necessary there, and because that the Minister in London will find employment for all his time, and should devote himself

wholly to the duties of that mission. As no letter of recall is as yet arrived to me, I am a little perplexed. I have been a witness of so much friendship to the United States, and have experienced so much kindness to myself in Holland, that I ought not finally to quit that country without taking leave of their High Mightinesses, even if established forms had not rendered such a ceremony indispensable.

There is no time to be lost unnecessarily in executing the instructions of Congress; but you are very sensible, sir, of the necessity of taking leave of this Court and of the foreign Ministers here, and of the time which such a formality takes up. It will, therefore, be longer before I can be in London than you may wish, perhaps five or six weeks. In the meantime Colonel Smith, I hope, will arrive with the additional information, and I may take such measures as I can to prepare the way before us. The Duke of Dorset has offered me all the service in his power, and professes to wish me success. It may not be useless for me to see Mr. Harris at the Hague.

The instructions are perfectly agreeable to my own inclinations; but it would be my duty to carry them into punctual execution to the utmost of my power if they were not so. It is not the first time that a public trust of some importance has been committed to me, but I do not know that any ever made a deeper impression upon my spirits, or gave me more serious reflections. To do my duty to our country and her allies, and to reconcile the Americans and English upon principles and terms which may give satisfaction to all, is no easy task. I can promise nothing but industry—the prospect of success is far from being encouraging. The measure of sending a Minister had become indispensable; Congress will have tried the experiment, and done all that, in the opinion of the world, was incumbent on them; and if the English nation perseveres in obstinacy and delusion, the United States will be fully informed of it, and have it undoubtedly in their power to do themselves justice. The resolutions of New York and Rhode Island, the former laying heavier duties upon British ships and merchandizes, and the latter adopting the impost of five per cent., if the public papers inform us truly, are symptoms of a spirit rising in America which will either make the English friendly to us or their enmity a blessing.

The Count D'Aranda told me yesterday that your packet to Mr. Carmichael was gone to Madrid.

I forgot to mention in its place your letter of March 15th. The confidence you express is mutual, which I esteem one of the happiest circumstances in my whole life. I have not the honor to be personally known to Mr. Smith, but he shall receive from me all the regard which becomes the relation between us.

With sincere esteem I have the honor to be, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Autcuil, near Paris, May 3, 1785.

Sir,

The Britons boast that all the prophecies of the loss of the American trade from the independence of the United States have proved false; that the experiment has been tried, and the contest decided; that there was at the peace a competition of the commercial nations of Europe for the prize; that the superior abilities of the British manufacturers, and the greater capitals of their merchants, have enabled them to give our traders better bargains and longer credit than any others in Europe; that, as we love our interests and have small fortunes, we must come to them who can furnish us with goods of the best qualities at the cheapest rates, and allow us the longest time to pay; that Britain has monopolized our trade beyond credibility; that all the foreign merchants, French, Dutch, and even Spanish and Portuguese, who had engaged in our trade have failed, while few of theirs have suffered.

While, on the one hand, it is certain that in all this there is much exaggeration, it must be confessed, on the other, that there is too much truth, and the success of your mission to London will depend very much upon the researches of Congress and the States into this subject, and the measures they may take in consequence of their inquiries. You will negotiate for reciprocities in commerce to very little purpose while the British Ministers and merchants are certain that they shall enjoy all the profits of our commerce under their own partial regulations.

It behooves the whole people of America, then, to turn their attention to this subject. It would be presumption in me to discuss the question whether it is necessary the States should give to Congress a plenary power to govern the commerce of the whole Confederation.

I have been too long absent, and at too great a distance to be able to form a judgment, even to my own satisfaction. But I can see numberless mischiefs and inconveniences arising from the want of unity and system in the direction of such complicated interests, and every State will find itself necessitated frequently to apply to Congress for their interposition, either by recommendations or decisions.

You will give me leave, then, to inquire whether it may not be proper for Congress to call upon the States in such manner as they may judge constitutional to furnish them with authentic accounts of all the exports and imports of every State since the peace, of the vessels which have entered or cleared out, the nation to which they belong, and all other particulars which may be thought proper. It should seem impossible that the Union can be preserved without some such general repository of the commercial interests and knowledge; the information to be derived from it would bring the States to act in concert by shewing the necessity of it to all; and Congress or the States might take such measures as would insure them justice against the English. From such a view they might lay such discouragements on British ships and manufactures, and procure such advantages to their own, as would be beneficial to our country, while it would show the English their own weakness; heavy duties might be laid upon articles of luxury wrought in England and imported from thence, which would discourage the extravagant use of them among ourselves, place other nations upon as good and better footing than the English, and raise the revenue for the public out of that enthusiasm for England which has been and is still so unwise in itself and so hurtful to our country. Such measures as these would discover to the English that we know our own strength and their weakness, and would have probably a greater tendency to influence the Ministry, by preparing the nation, than any reasoning which can be used. It is a diplomatic axiom, "that he negotiates ill who is not in a condition to make himself feared;" but measures for this purpose must be taken by the people of America. Our army will be no terror to them, because they think at present they shall never send an army to fight us in our own country, and they do not believe that ours will go abroad to attack them. They are too proud of their own navy, and have too much disregard of ours, to dread us upon the sea; although experience should have taught them that

their commerce might be much endangered by our cruisers ; so that we have no means to make an impression on them but by commercial regulations, which the vulgar may see strike essentially at their interests without injuring our own.

With great and sincere esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 7, 1785.

Sir,

In a former letter I expressed a doubt whether I should go directly to London or first to the Hague, in order to take leave ; but upon further reflection, as I have not received a regular letter of recall, and another Minister to their High Mightinesses is not yet arrived, it seems best to avoid occasion of too much speculation among our creditors in that country for the present. The Minister who shall do me the honor to succeed me will probably bring my letter of recall, and I hope the permission of Congress for me to go over to Holland to pay there my last official respects, provided the state of our affairs will admit of my absence for the space of time necessary, which may be three weeks ; but if Congress should think this ceremony unnecessary, or I should be engaged in business for the public, which cannot conveniently be left, I may take leave of their High Mightinesses and of his most Serene Highness by a respectful letter, which perhaps may answer the end. I hope to be in London by the end of this month.

As we have no friends in England or any other part of Europe but in Holland, I must ask the favor of Congress to transmit me their authority by a resolution to draw upon their bankers in Holland for the amount of my salary, and the salary of Mr. Smith, and some little disbursements which may be indispensable.

My friend and colleague, Mr. Jefferson, brought with him an order to receive of M. Grand a sum of money in advance to furnish his house ; but M. Grand having no money in his hands, but, on the contrary, being much in advance, made some difficulties, which induced Mr. Jefferson to apply to me. I accordingly drew upon your bankers in Amsterdam a bill in his favor for six thousand guilders, which he has received. As M. Grand could only have

advanced the money by drawing on the same fund, one commission has been saved by this means, and I hope for the approbation of Congress.

Colonel Humphreys brought with him an order upon M. Grand, for money to pay for a medal to be struck for each of the Generals, Washington, Gates, and Greene, and for some swords adjudged by Congress to other officers; and upon M. Grand's inability to make the advances, he applied to me. As we supposed it to be the undoubted intention of Congress that these small presents should be made in honor of those great events and immortal actions, I consented to draw for the money upon the same bankers to the amount of about a thousand pounds. This also I hope will meet the approbation of Congress.

If you will pardon, sir, a transition to a subject not much connected with the foregoing, I may fill the rest of my paper with an observation which may have its uses. The extreme severity of cold and drought which have continued through the months of February, March, April, and to this day, has brought upon this country, and perhaps others, a serious calamity. There is such a scarcity of herbage and pasturage that the poor people in many places have been obliged to kill their cattle to prevent them from starving. In many other places they have been necessitated to feed the cattle with grain and bread, and other things necessary for the support of their families. The daily processions which pass before my door, in prayers for warmth and rain, are afflicting to humanity. These circumstances, however, have contributed to silence the clamors of various provinces against the commerce between us and the French West India Islands more than all the authority of the King and influence of Government. The whole nation must see, and the English too will probably see the impossibility of supporting their islands with wheat and flour, and even the necessity of importing considerable quantities of these articles, as well as rice, from the United States into Europe. It is generally agreed that the crops of grass will be so diminished that even if the wheat should not fail, they shall be obliged to apply so much of the latter to the subsistence of their cattle that they must import from us. I wish you a plentiful season and industrious husbandmen, that you may be able to support the wants of all Europe as well as your own.

With the greatest respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 8, 1785.

Sir,

In executing the instructions of Congress of the seventh of March last, as well as all former orders which concern the Court of Great Britain, the Ministry will no doubt find my commission and letter of credence sufficient authority. But you will see by a letter from the Duke of Dorset, which your Ministers have sometime since transmitted, that the British Cabinet have conceived doubts whether Congress have power to treat of commercial matters, and whether our States should not separately grant their full powers to a Minister. I think it may be taken for granted that the States will never think of sending separate Ambassadors, or of authorizing directly those appointed by Congress. The idea of thirteen Plenipotentiaries meeting together in a congress at every Court in Europe, each with a full power and distinct instructions from his State, presents to view such a picture of confusion, altercation, expense, and endless delay, as must convince every man of its impracticability. Neither is there less absurdity in supposing that all the States should unite in the separate election of the same man, since there is not, never was, and never will be a citizen whom each State would separately prefer for conducting the negotiation. It is equally inconceivable that each State should separately send a full power and separate instructions to the Ministers appointed by Congress. What an heterogeneous mass of papers, full of different objections, various views, and inconsistent and contradictory orders must such a man pull out of his *porte feuille* from time to time to regulate his judgment and his conduct! He must be accountable, too, to thirteen different tribunals for his conduct: a situation in which no man would ever consent to stand, if it is possible, which I do not believe, that any State should ever wish for such a system. I suppose, too, that the Confederation has already settled all these points, and that Congress alone have authority to treat with foreign Powers, and to appoint Ambassadors and foreign Ministers, and that the States have separately no power to do either. Yet it is plain from the Duke of Dorset's letter that the British Cabinet have conceived a different opinion. This is to be accounted for only by conjecturing that they have put an erroneous construction on the *limitation, restriction, or exception* in the article of our Confed-

eration, which gives to Congress the power of appointing Ambassadors and making treaties. This limitation is confined to treaties of commerce; all others Congress have full power to make. From this limitation, however, will probably arise a great deal of difficulty and delay to me. If the British Ministry wish and seek for delays, this will be their pretext. But even if they should wish for despatch, which is not likely, they may have propositions to make which will fall within the limitation, and in such case it will not be in my power to agree with them.

I can only transmit the proposition to Congress, who will perhaps transmit them to the States, and no man can foresee when the answers will be received, so that the business can be brought to a conclusion. It is a long time that Congress have appeared to be aware of these obstructions in the way of our prosperity; but it does not yet appear that the States have been sufficiently attentive to them to remove them. It is not to be supposed that Congress will ever frame any treaty of commerce, with any foreign Power, which shall be unequal and impartial among the States, or oppressive upon any one of them; and it is very clear, from the situation and circumstances of the country, that no such treaty can ever be carried into execution, or last long. If the States should be unwilling to confer upon Congress a power to make treaties of commerce unlimited in point of time, it should seem that time alone might be a sufficient restriction, or the limitation might be a particular nation, as the English for example, for a certain time, although it must be always remembered that we cannot favor the English with any thing which will not become common to other nations—the French, the Dutch, and Swedes, at least.

It is very possible that the Cabinet of St. James may decline even entering into any conferences at all, upon the subject of a treaty of commerce, until the powers of Congress are enlarged. If they should, the people of America cannot be too soon informed of it, and turn the deliberations in their assemblies to this object.

In this case, the only present hope of your Minister will be, in obedience to his orders, to convince the British Ministry of the necessary tendency of their restrictions on our trade, to incapacitate our merchants in a certain degree to make remittances to theirs, to urge the surrender of the posts, the restitution of the negroes, the explanation respecting debts, and those other matters pointed out in

his instructions, in which the right, and power, and equity, are too clear to leave any plausible pretences for delay, and to transmit, by the earliest opportunities, to Congress, full and true accounts of his proceedings.

On the 30th of April, 1784, Congress recommended to the Legislatures of the States to vest them, for fifteen years, with the power to prohibit any merchandizes from being imported or exported in vessels belonging to or navigated by the subjects of any Power with whom we shall have no treaty of commerce; and to prohibit the subjects of any foreign State, unless authorized by treaty, from importing into the United States any merchandizes which are not the produce or manufacture of the dominions of the sovereign whose subjects they are, provided that the assent of nine States be necessary.

To suppose that the British Cabinet intended, by the doubts of our powers, expressed in the Duke of Dorset's letter, to assist Congress in obtaining from the Legislatures a compliance with those recommendations, would be more charitable than their conduct in any other instance would justify. I rather think it was a mere excuse for delay, but it ought to operate upon the minds of the people of the States and their Assemblies, as a powerful incentive to compliance; but it may be still a question whether a compliance of all the States will still satisfy the British Cabinet, and they may require an express vote of unlimited authority to Congress, for a certain time at least, from each State, to enter into a treaty of commerce with them.

I have not yet been able to learn, with certainty, how many, and which, of the States have agreed to those recommendations of Congress. It will now be necessary for me to be very attentive to this, and to request of you, sir, the earliest and most minute intelligence of every proceeding of Congress and the States relative to it.

The last year must have been a prosperous period in the United States; the high prices of their produce, and the low prices of foreign merchandizes, are a demonstration of it. Yet our shipping, our seamen, our carrying trade, have been discouraged. Present ease, and even wealth, should not be our only object.

We ought to attend to considerations of strength and defence. Our situation is different from some of the Powers of Europe, who have neglected their own defence. Switzerland is situated so, that

if she should be attacked by one neighbor, she would infallibly be defended by two others. If attacked by Sardinia, she would be defended by France and the Emperor; if by the Emperor, France and Sardinia would support her; and if by France, the Emperor and Sardinia would unite to protect her. This is so fully known to her and all her neighbors, that she fears nothing, and is at no expense. Holland, attacked by France, found a friend in England; when attacked by England, France supported her; when the Emperor threatened her, she found a friend in France, too, and she will forever be sure that neither of these three great Powers can ever suffer her to fall a prey to any of the others. She has relied so much upon this as to neglect her defence, to her great regret at present. But what are Switzerland and Holland, small Powers limited by nature, so that they never can be great, to the United States of America, destined, beyond a doubt, to be the greatest Power on earth, and that within the life of man. This is so well known, that instead of being overlooked among the Powers, like Holland and Switzerland, we shall be more an object of jealousy than any other upon earth. All the Powers know that it is impossible for any, the proudest of them, to conquer us; and therefore, if we should be attacked by any one, the others will not be fond of undertaking our defence; knowing we can defend ourselves, they will leave us to do it, and if they assist us at all it will not be until we have done the work, and then it will be feebly, and only with a view of deriving more benefit and reputation from it than they do us good. They will be pleased to see us weakened and our growth a little retarded. It behooves the United States, then, to knit themselves together in the band of affection and mutual confidence, search their own resources to the bottom, form their foreign commerce into a system, and encourage their own navigation and seamen, and to these ends their carrying trade; and I am much afraid we shall never be able to do this, unless Congress are vested with full power, under the limitations prescribed of fifteen years, and the concurrence of nine States, of forming treaties of commerce with foreign Powers.

With great esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 13, 1785.

Sir,

We meet, as you know very well, so often with foreign Ministers at Court and other places, and have so many transient conversations upon subjects in which America is more or less concerned, that I scarcely know when it is worth while to transmit it to you, and when it is not. There is danger on one hand of degenerating into minuteness, and on the other of omitting something which may be of consequence.

The Duke of Dorset has been, in general, very civil to Doctor Franklin, Mr. Jefferson, and me; and I believe I may say, with exact truth, that he has shown us as much respect and attention as he has to the Ministers of any Power whatever; but since the English papers, from the gazettes of New York, have published my appointment to his Court, he has been more assiduous, if I may use that expression, than ever.

He congratulated me at last Court, very politely, on my appointment, and said if he could be of any service to me in public or private, by writing to Mr. Pitt or Lord Carmarthen, or to any of his private friends, it would give him pleasure to do it. I thanked his Grace in general terms, and said it was very possible he might be of service to me—and to his own country, too, as well as mine—if his Grace and his humble servant thought alike upon certain points. He thought then, as well as I, that it was proper we should compare notes, and said he would come out to Auteuil and see me on Saturday at twelve. Accordingly he came, and repeating his professions of good will and his offers of service, I told his Lordship I did not mean to give him the trouble of any official representations, but as he was willing to enter into private conversation with me upon affairs, I might ask what could be the reason why the posts upon our frontiers were not evacuated. He said he could not tell. I added there had undoubtedly been full time, and it could not but be considered as inconsistent with the treaty; that he might well imagine it must be a tender point with us, and that jealousies and apprehensions would be very justly kept alive among all our people until the treaty was fulfilled in this particular. He seemed wholly at a loss upon this subject, and did not incline to compromise himself by hazarding any opinion.

I then mentioned the debts, and said it was certainly for the mutual advantage of both sides that we should come to an explanation upon that article. That to let loose the law, and perhaps the inflamed passions of some creditors, upon the debtors and their estates, might ruin the latter without paying the former. That if execution was served upon the person of a debtor for want of estate, by the ancient as well as modern laws, he might, in a stated period, obtain his liberty upon his oath, and the debt would be lost. If execution should be levied upon estate, it must be sold at vendue, and in the present scarcity of money would not be sold for half its value, so that the creditor might lose as well as the debtor. That it would surely be better for both countries, as well as for creditor and debtor, that the latter should be allowed time to turn himself, and make the most of his property. The Duke replied that if the matter should be represented in this light, and made appear to be so, perhaps the Ministry and the creditors might be satisfied; but, he added, interest should be paid. I answered that the question concerning interest would not be changed at all by delay; it would be the same whether the principal were paid now or some time hence. But I found his Lordship here again unwilling to hazard any opinion of his own.

I then mentioned the negroes, and asked why the treaty was so little attended to in this article? He asked whether any considerable number had been carried off? I answered, a very great number, and not only against the treaty, but confessedly so; for that Sir Guy Carleton had at the time of his carrying them away acknowledged it to be against the treaty; but alleged that their treaties with the negroes obliged them to do it, and therefore they must pay for them. I added, that this made it still harder upon the American debtors, and, indeed, made it perfectly just for them to withhold payment, because that the property of many of them was thus wrongfully withheld from them—property by which they might have been enabled to pay at least much of their debts; but I found that either his Grace had not thought much upon these subjects, or that his prudence restrained him from speaking freely, and he chose to waive particulars by repeating offers of his service. I replied that I did not think it was proper for me to desire his Grace to make any official representations, because my first address of that kind should be made to Lord Carmarthen; but that noblemen and gentlemen of

high rank were often here and in company with his Grace, and, as conversation turned often upon American affairs, it might be in his Grace's power to rectify many mistakes relative to these subjects. It would be still more in his power by his private correspondences. I could not, however, obtain any specific promises, but he concluded by more general assurances that he sincerely wished that all questions might be settled to mutual satisfaction, and entire harmony and affection restored, &c., &c.

A few days after the Duke came out a second time to see me at Auteuil, and brought me some letters to the custom-house at Dover, which he believed would save me any troublesome visits of those gentry, and said he had written to Mr. Pitt, to desire him to send an order to the custom-house, which would certainly answer the end.

He then told me I must be in London time enough to pay my respects to the King on the 4th of June, his birthday; that to that end I must carry over from hence a fine new coat, ready-made, for that it was a rule of etiquette there for everybody to have new clothes upon that day who went to Court, and very rich ones; and that my family must be introduced to the Queen. I told him I was sorry to hear that, but that I hoped it was not indispensable, for that at the Court of Versailles the families of Ambassadors only were required to be presented, and Ministers Plenipotentiaries and Envoys had their option; my family had chosen to avoid it here, for many reasons. He said it was true, that here the etiquette required only the presentation of Ambassadors, but in England it was otherwise, and the ladies and daughters of all the Ministers must be presented to the Queen.

I hope, sir, you will not think this an immaterial or a trifling conversation when you consider that the single circumstance of presenting a family to Court will make a difference of several hundred pounds sterling in my inevitable annual expenses. This is not the first serious lecture that I have had upon the subjects of etiquette, and even dress. I have formerly related to you in conversation another much more grave, which I had five years ago from the Count de Vergennes. I believe I have also repeated to you similar exhortations made to me even by the best patriots in Holland. There is a certain appearance in proportion to rank which all the Courts of Europe make a serious point of exacting from everybody who is presented to them.

I need not say to you, sir, because you know it perfectly, that American Ministers have never yet been able to make this appearance at any Court; they are now less able to do it than ever. I lament this necessity of consuming the labor of my fellow-citizens upon such objects as much as any man living, but I am sure that the debasing your Ministers so much below their rank will one day have consequences of much more importance to the husbandman, artisan, and even laborer.

With the most cordial esteem, &c.,

JOHN ADAMS.

CORRESPONDENCE

OF

JOHN ADAMS, B. FRANKLIN,

AND

THOS. JEFFERSON,

JOINT COMMISSIONERS AND MINISTERS PLENIPOTENTIARY

FOR THE

FORMATION OF TREATIES OF AMITY AND COM-
MERCE WITH FOREIGN POWERS.

CORRESPONDENCE.

On the 3d day of June, 1784, Congress issued a joint commission to John Adams, Benjamin Franklin, and Thomas Jefferson, granting to them, or a majority of them, plenary power to negotiate and conclude a supplementary treaty with Sweden, for the purpose of perfecting the commercial intercourse already entered into between the two nations.

A joint commission had been issued to John Adams, Benjamin Franklin, and Thomas Jefferson, on the 12th day of May, 1784, empowering said Commissioners, or a majority of them, to treat with Russia respecting a treaty of amity and commerce.

Commissions of the same tenor and date were issued for treating with the Courts hereafter specified, except that the expressions thereunto severally annexed were substituted for those marked in the preceding commission.

Germany—His Imperial Majesty.

Prussia—His Prussian Majesty.

Denmark—His Majesty the King of Denmark.

Saxony—The citizens of the United States and the subjects of the most serene Elector of Saxony.

Hamburg—The citizens of the United States of America and the Imperial City of Hamburg.

England—His Britannic Majesty.

Spain—His Catholic Majesty.

Portugal—Their most Faithful Majesties.

Naples—His Majesty the King of the Two Sicilies.

Sardinia—His Sardinian Majesty.

The Pope—The United States of America and the dominions of his Holiness the Pope.

Venice—The United States of America and the most serene Republic of Venice.

Genoa—The United States of America and the most serene Republic of Genoa.

Tuscany—The citizens of the United States of America and the subjects and people of the most serene Grand Duke of Tuscany.

The Porte—The Sublime Porte.

Morocco—The high, glorious, mighty, and most noble Prince, King, and Emperor of the Kingdom of Fez, Morocco, Taffilete, Sus, and the whole Algasbe and the territories thereof; a treaty of amity, or of amity and commerce.

Algiers—The citizens of the United States of America and the subjects of the Dey and Government of Algiers; a treaty of amity, or of amity and commerce.

Tripoli—The citizens of the United States of America and the city and kingdom of Tripoli; the most illustrious Lords and Governors of the City and Kingdom of Tripoli; a treaty of amity, or of amity and commerce.

Tunis—The citizens of the United States of America and the people of the State and Kingdom of Tunis, the Regency or Government of Tunis; a treaty of amity, or of amity and commerce.

Appointment of Secretary by the United States in Congress assembled, May 12, 1784.

Congress proceeded to the election of a Secretary to the Commission for negotiating treaties of commerce with foreign Powers, and the ballots being taken, Mr. David Humphreys was elected.

CHARLES THOMSON,
Secretary.

May 7, 1784.—Resolutions were adopted by Congress, instruct-

ing their Commissioners in Europe with regard to the formation of treaties.—[See p. 80.]

On the 11th May, 1784, further instructions were issued by Congress in the shape of resolutions, having reference to instructions of a former date, May 30, 1783, "the objects of which they are directed to urge with perseverance."—[See p. 83.]

June 3, 1784.—Instructions relative to the navigation of the Mississippi.

Minutes of the Proceedings of the Ministers Plenipotentiary of the United States of America for forming Treaties of Amity and Commerce with Foreign Powers.

Passy, August 30, 1784.

Present, Mr. ADAMS, Mr. FRANKLIN, Mr. JEFFERSON, Ministers—
D. HUMPHREYS, Secretary.

After having read the instructions, paragraph by paragraph, noted their contents, and agreed to meet every day at this place until the objects of the commissions should be properly arranged, and put as far as may be into the best train of execution:

Resolved, That it is the opinion of the Ministers Plenipotentiary that Captain John Paul Jones (who is authorized by Congress to receive all the prize moneys which may be due in Europe) should apply to the Court of Denmark for the recovery of an adequate compensation for the prizes which were captured by the Alliance frigate, carried into Bergen, and delivered by the orders of that Court to the British, that it would be well for him to obtain the patronage of the Court of Versailles in this application if practicable; and that he be informed he may expect to receive any assistance which the Plenipotentiaries may be able to afford, in case he should have occasion for it.

Passy, August 31, 1784.

It was agreed by the American Plenipotentiaries to announce officially to the Court of Versailles the object of their mission as early as possible; they also gave information to Mr. David Hartley, Minister Plenipotentiary from his Britannic Majesty, that they had received a commission for negotiating a treaty of amity and commerce

with the Court of London, and desired that he would announce to his Court that they were ready to proceed on the negotiation ; whereupon, Mr. Hartley informed them verbally that he did not doubt his Court would at all times be ready to concur in forming such a system as might fully answer every purpose of commercial as well as political advantage to the two countries, and fix and establish a permanent and beneficial intercourse between them.

Passy, September 1, 1784.

The Ministers Plenipotentiary having received a letter from the Secretary of Congress, on the 16th of July, covering a resolution of the Committee of the States, bearing date July 10th, 1784, referring copies of the papers relating to the brig *L'Aimable Elizabeth*, a French vessel, that was deserted by her crew at sea, and taken up by the citizens of the United States, on the 5th April, 1783, to the Ministers for negotiating treaties of commerce with foreign Powers, and instructing them that they should require of the British Court that the full value of the said brig and her cargo be restored for the benefit of Robert Sewel, by whose order she was taken up at sea, ordered that the Secretary of Legation write a letter to Mr. Barclay, Consul General of the United States at L'Orient, requesting that he would inform them of all the facts respecting the said brig *L'Aimable Elizabeth* which can be obtained.

It was agreed to request the Baron de Walterstorff to meet the Plenipotentiaries at Passy, in order to confer respecting the mode of proceeding in negotiating a treaty of amity and commerce with the Court of Denmark.

Passy, September 4, 1784.

The American Ministers Plenipotentiary gave information to the Baron de Walterstorff, Minister Plenipotentiary from his Majesty the King of Denmark, that they had received a commission for negotiating a treaty of amity and commerce with the Court of Denmark, and desired that he would announce to his Court that they were ready to proceed on the negotiation.

The object of the commission, with respect to the completion of a treaty of amity and commerce, between the United States of America

and his Majesty the King of Prussia, was communicated in the subsequent letter to the Baron de Thulemeier, Envoy Extraordinary from his Prussian Majesty at the Hague, viz :

Passy, near Paris, September 9, 1784.

Sir,

The United States of America in Congress assembled, judging that an intercourse between the subjects of his Prussian Majesty and the citizens of the said States, founded on the principles of equality, reciprocity, and friendship, may be of mutual advantage to both nations, on the twelfth day of May last issued their commission under the seal of the said States, to the subscribers, as their Ministers Plenipotentiary, giving to them, or the majority of them, full power and authority for them, the said States, and in their name to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his said Prussian Majesty, vested with full and sufficient powers of, and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States in Congress assembled for their final ratification.

We have now the honor to inform your Excellency that we have received this commission in due form, and that we are here ready to enter on the negotiation, and to reconsider and complete the plan of a treaty which has already been transmitted by your Excellency to your Court, whenever a full power from his Prussian Majesty shall appear for that purpose.

We have farther the honor to request of your Excellency that you would transmit this information to your Court, and to be with great respect,

Your Excellency's, &c.,

JOHN ADAMS,
BENJAMIN FRANKLIN,
THOMAS JEFFERSON.

P. S. A similar letter was addressed, at the same time, to his Excellency the Count de Souza de Coutinho, Ambassador from their most faithful Majesties at the Court of Versailles.

FROM M. SPINOLA TO BENJAMIN FRANKLIN.

Translation.

Paris, September 9, 1784.

Sir,

The most serene Government of Genoa, being desirous to favor, as much as possible, the commerce of his subjects with the provinces and ports of the United States of North America, which you have the honor to represent, has taken the determination to send to Boston a Consul or agent, for the purpose of protecting and forwarding the interest of the Genoese in the United States; but this Government, being anxious to observe the regard which princes owe to each other, has ordered me to inquire of you, in the first place, if this determination will be agreeable to the United States.

I am much flattered, sir, that this commission will furnish me with the opportunity of corresponding with you on a subject which must be very advantageous to two nations we have the honor of serving.

I am, with great respect, &c.,

SPINOLA.

FROM B. FRANKLIN TO M. SPINOLA.

Passy, September 13, 1784.

Sir,

I received the letter you did me the honor of writing to me the 9th instant, respecting the appointment of a Consul to reside at Boston, on the part of your State, to protect the interests of your commerce and people in America. On consideration, I thought it right to communicate the same to my colleagues, now here, Mr. Adams and Mr. Jefferson, they being with me commissioned to make treaties of commerce with such maritime nations as may be desirous of trading with our States. We are sensible of the delicacy with which your most serene Government has proceeded in the proposition, and we are persuaded that on all occasions equal respect will be shewn by the Congress. But being of opinion that previous to the appointment of a Consul, some convention will be necessary, that may ascertain his powers, privileges, &c.; and that such a convention will most naturally follow a treaty of amity and commerce, we take this occasion to inform you of our having full

powers for making such treaties, and that we are willing and ready to enter into a negotiation for that purpose with the most serene Government of Genoa, whenever it shall be to them agreeable.

The copy I have the honor of enclosing to you, of some late resolutions of Congress, will show the utility and necessity of such a treaty to the freedom of trade between our countries.

I am, with great respect, &c., BENJAMIN FRANKLIN.

Versailles, September 15, 1784.

The American Ministers Plenipotentiary exhibited officially to the Count de Vergennes, Minister and Secretary of State, having the department of foreign affairs, the commission of the United States in Congress assembled, authorizing them to negotiate and conclude a supplementary treaty between the United States and his most Christian Majesty, a copy whereof was left with the Count, who informed them in substance as follows: "That he should always be 'ready to enter on negotiations, and receive propositions, which 'might be of mutual advantage, and tend to cement the union and 'increase the harmony which prevailed between the two nations."

Passy, September 16, 1784.

Mr. Hartley, Minister Plenipotentiary from his Britannic Majesty, having previously requested a meeting with the American Ministers, now gave them information that he had received orders from his Court to return to London, and that he was authorized to assure them of "the ready and friendly disposition of the Court of London 'to receive any proposals from the United States, for forming such 'regulations as might tend to the mutual reciprocal advantage of 'both countries."

On the 22d day of September, the following communication was made to his Excellency the Count de Aranda, Ambassador Extraordinary and Plenipotentiary from his Catholic Majesty the King of Spain, at the Court of Versailles, viz :

Passy, near Paris, September 22, 1784.

Sir,

The United States of America in Congress assembled, judging that an intercourse between the subjects of his Catholic Majesty and the citizens of the said States, founded on the principles of equality, reciprocity, and friendship, may be of mutual advantage to both nations, on the 12th day of May last, issued their commission under the seal of the said States, to the subscribers as their Ministers Plenipotentiary, giving to them, or a majority of them, full power and authority for them, the said States, and in their name, to confer, treat, and negotiate, with the Ambassador, Minister, or Commissioner, of his said Catholic Majesty, vested with full, and of sufficient powers, of and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States in Congress assembled, for their final ratification.

We have now the honor to inform your Excellency that we have received this commission in due form, and that we are here ready to enter on the negotiation whenever a full power from his said Catholic Majesty shall appear for that purpose.

We have further the honor to request of your Excellency that you would transmit this information to your Court; and to be, with great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

At the same time letters of the same tenor, changing only the style of the several Courts, exactly in conformity to the expressions made use of in the original commissions, were written to his Excellency Prince Bariatinski, Minister Plenipotentiary from her Imperial Majesty of all the Russias at the Court of Versailles;

Mr. Riviere, Chargé d'Affaires from the Elector of Saxony at the Court of Versailles;

Mr. De Pio, Chargé d'Affaires from his Sicilian Majesty at the Court of Versailles;

His Excellency the Count de Scarnafis, Ambassador of the King of Sardinia at the Court of Versailles;

His Excellency Monseigneur Prince Doria Phamphili, Nuncio Ordinary of the Pope at the Court of Versailles;

His Excellency the Chevalier Delfino, Ambassador from the Republic of Venice at the Court of Versailles ;

And to Mr. Favi, Chargé d'Affaires from the Grand Duke of Tuscany, which letter, from a mistake in transcribing, was not dated or sent until the 30th of September.



FROM THE AMBASSADOR OF PORTUGAL TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

The Ambassador of Portugal has the honor to inform Messrs. Adams, Franklin, and Jefferson, that he has received their letter, and that he immediately transmitted it to his Court, from whence he awaits an answer, in order to communicate with them upon the articles relative to the treaty of commerce.



FROM M. RIVIERE TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

Gentlemen,

I have received the letter with which you honored me the 22d instant, and I did not fail to transmit it to my Court, according to your desire. As soon as I receive an answer, I will make it a duty to submit it to you.

I have the honor to be, &c.,

RIVIERE,
Chargé d'Affaires of the Court of Saxony.



FROM M. DE PIO TO THE COMMISSIONERS.

Translation.

Paris, September 26, 1784.

Gentlemen,

I have received the letter which you did me the honor to write to me on the 22d instant upon the subject of a treaty of amity and

commerce, which the United States of America would wish to form with the King my master, for the welfare respectively of his subjects and their citizens. I hastened, gentlemen, to place before his Sicilian Majesty your proposition, and will communicate to you the answer as soon as it is received from my Court.

I have the honor to be, &c.,

DE PIO,

Chargé d'Affaires of the Court of Naples.



FROM M. DE SCARNAFIS TO THE COMMISSIONERS.

Translation.

Paris, October 26, 1784.

Gentlemen,

I have received the letter which you did me the honor to write the 22d of September, wherein you inform me that the United States of America in Congress assembled have granted you power to form a treaty of amity and commerce with his Majesty the King of Sardinia. I have just communicated it to my Court; and if any particular order should be taken on the subject, I will not fail to inform you.

I seize this occasion, gentlemen, with true eagerness, to assure you of my perfect respect, and have the honor to be, &c.,

DE SCARNAFIS,

Ambassador of Sardinia.



FROM THE CHEVALIER DELFINO TO THE COMMISSIONERS.

Translation.

Gentlemen,

It is with the greatest satisfaction that I have just received the letter which you have done me the honor to write. I will not fail, gentlemen, to transmit your information to the Senate; and as soon as I receive an answer I will consider it a duty to communicate it to you.

In the interim, I have the honor to be, &c.,

LE CHEV. DELFINO,

Ambassador of Venice.

FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Paris, October 10, 1784.

Gentlemen,

I have received the letter which you did me the honor to write the 30th ultimo, wherein you have done me the favor to announce the commission and full power with which you have been clothed by the United States of America in Congress assembled, in order to propose and to form bonds of amity and commerce with the States of Tuscany.

I shall esteem it a duty to communicate this information to my Court conformably to your desire, not doubting that it will be equally agreeable with the proposition enclosed.

I have the honor to be, &c.,

FAVI,
Chargé d'Affaires of Tuscany.

FROM THE COMMISSIONERS TO THE BARON STAEL DE HOLSTEIN.

Passy, near Paris, October 2, 1784.

Sir,

The United States of America in Congress assembled, judging that it might be necessary, for the purpose of promoting and perfecting the commercial intercourse so happily begun between his Swedish Majesty and them, that supplementary treaties be formed, in addition to the treaty of amity and commerce already entered into between the two nations, on the third day of June last, constituted the subscribers their Ministers Plenipotentiary, giving them, or a majority of them, full power for the said States, and in their name to confer, treat, and negotiate with the Ambassadors, Minister, or Commissioner of his said Swedish Majesty, with full and sufficient powers of and concerning such supplementary treaty or treaties, to make and receive propositions for such treaty or treaties, and to conclude and sign the same, transmitting it or them to the said United States in Congress assembled for their final ratification.

We have now the honor to inform your Excellency that we have received the full power for the purposes abovementioned, and are here ready to enter on the negotiation whenever a full and sufficient

power from his Swedish Majesty shall appear, and to request your Excellency to lay this information before his Majesty, that such order may be taken as to his wisdom shall seem convenient.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM BARON STAEL DE HOLSTEIN TO THE COMMISSIONERS.

Translation.

Paris, October 5, 1784.

Gentlemen,

I had the honor to reply in the first instance to the Secretary of the commission, Mr. Humphreys, for the formation of treaties by the United States of America, on receiving the letter which the Ministers Plenipotentiary have done me the honor to write, that I would not fail to place it before his Majesty; but I was desirous of gaining time in order to be enabled to communicate to his Majesty some ideas upon the amendments which are to be proposed on the part of the United States. Supposing, gentlemen, that you entertain this opinion, I will not delay to inform you that a Swedish courier departs hence in a couple of days, by whom a sure opportunity is offered of transmitting papers relative to this affair.

I have the honor to be, &c.,

E. M. STAEL DE HOLSTEIN.



October 8, 1784.

In consequence of the preceding letter the subsequent verbal information was remitted to his Excellency the Ambassador by Mr. d'Asp, Secretary to the Swedish Embassy, viz:

"The objects of the supplementary treaty proposed on the part of the United States with his Swedish Majesty, are, in substance, these:

"1st. To bring the condition of the subjects and citizens of each party trading in the dominions of the other more nearly to that of the natives than it is at present. The Island of St. Bartholomew

‘presents itself as a part of this object which the United States would
‘wish to have laid as open to them, as they will lay their countries to
‘the subjects of his Swedish Majesty.

“2d. To provide by stipulations, while the two nations are in terms
‘of friendship with each other, that if ever a war should unhappily
‘fall out between them, it shall not interrupt commerce or agriculture,
‘and that prisoners of war shall be favorably treated.”



FROM THE COUNT DE ARANDA TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

Gentlemen,

I received yours of the 22d, the day before yesterday, by the hand of Mr. Humphreys, Secretary of Legation. I am there informed of the wish of the United States of America to establish with the Catholic King a correspondence which may prove convenient to both Powers, founded upon the principles of equality, reciprocity, and friendship, and which will be mutually advantageous to the two nations. That for this purpose the United States have, by their act of the 12th May, authorized your Excellencies, in due form, as their Ministers Plenipotentiary, to confer, to treat, and to conclude with the King, my master, a treaty of amity and commerce, to be sent for ratification to the said States.

Certainly such dispositions in the United States, and such principles of equality, reciprocity, and friendship, will be very pleasing to the purity of his Catholic Majesty's heart, to whom I will transmit your communication as I received it.

With the same end in view, and to enable his Majesty to take this step, allow me, gentlemen, to inquire if either or any of you will repair to Madrid for the purpose of negotiating and concluding this treaty? This request your Excellencies will not consider improper when it is understood that the customs of my Court, (the most regular and systematic of all others,) in matters between its Crown and any other Power, is to negotiate between themselves, without availing themselves of a third place.

It is difficult in adjusting a peace between more than two Powers, or between many parties whose interests are to be conciliated. A

point of reunion is then indispensable, as happened at the last peace ; on which subject I may mention to your Excellencies that the principal points being agreed to, the incidental ones of commerce, limits, and other affairs between Spain and England, were not embraced in my power of treating at Paris, but were to be discussed at one of the two Courts, or at both, in conformity with the general rule, which has ordinarily no exception, save in cases where a continuance is required in a third place—it being the place of beginning.

This being the first treaty between us, and there being but two parties, I have deemed it proper at the time to make these observations to your Excellencies with a view at once to inform the King my master, to prevent delay, by giving him timely information in the beginning.

As soon as your Excellencies shall have acquainted me with your intentions upon this point, I will expedite the matter ; being always desirous that friendship and a good understanding may be the satisfactory result to the two States.

On this occasion I offer to your Excellencies my personal desires to serve you. May God preserve you many years.

I am, &c.,

EL CONDE DE ARANDA.



FROM THE COMMISSIONERS TO THE COUNT DE ARANDA.

Passy, October 28, 1784.

Sir,

We have received the letter you did us the honor to write us on the 27th day of September last, and we thank you for your care in transmitting to your Court the information of our appointment to treat with it.

You desired to be informed if one or more of us can repair to Madrid, for the purpose of conducting and concluding the negotiation ; because that is the system of your Court in matters between its Crown and another Power, to treat in one of the two Governments.

In answer to this inquiry, we have the honor to inform you that the United States in Congress assembled have thought fit to propose treaties with most of the maritime Powers of Europe, and for the accommodation of those Powers have been willing that their Ministers

should attend on this side the Atlantic. We have already communicated to many Courts, through their Ministers at this, our residence here, in order to enter into negotiations with such as shall judge convenient to transmit full powers to treat with us. So that, however desirous we might be of showing our respect to the Court of Madrid by repairing thither, it will be difficult for us to leave this place until we shall have finished the business already begun, which may take up much time. We therefore hope that, considering the peculiarity of the circumstances, the Court of Madrid may find it convenient to make this case an exception to their general rule.

With great respect, &c.,

JOHN ADAMS,
BENJAMIN FRANKLIN.
THOS. JEFFERSON.

FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, near Paris, October 28, 1784.

My Lord Duke,

The United States of America in Congress assembled, judging that an intercourse between the subjects of his Britannic Majesty and the citizens of the said States, founded on the principles of equality, reciprocity, and friendship, may be of mutual advantage to both nations, on the twelfth day of May last issued their commission, under the seal of the said States, to the subscribers, as their Ministers Plenipotentiary, giving them, or the majority of them, full power and authority for them, the said States, and in their name to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his said Britannic Majesty, vested with full powers of and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States, in Congress assembled, for their final ratification.

Of the receipt of these powers, and of our being ready to enter on the execution of them, we gave information to Mr. Hartley, who had been appointed on the part of his Britannic Majesty to treat on the same subjects with the Ministers of the United States; and we received through him assurances from his Court "of their ready and friendly disposition to receive propositions from the United States for the forming such regulations as might tend to the mutual and

‘reciprocal advantage of both countries.’ The subsequent return of this Minister to London renders it proper for us to repeat to your Excellency the communications, to express to you the satisfaction with which we have received assurances of the friendly disposition of the Court of London, and to inform you that we shall be ready to make proposals on our part as soon as they shall be pleased to advise us of the person to whom they would choose to have them addressed.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, October 28, 1784.

My Lord Duke,

While Mr. Hartley was here as Minister from the Court of Great Britain, we had the honor of mentioning to him that we were instructed by the Congress to treat on some points distinct from any regulations of commerce. He communicated this to his Court, and the very satisfactory answer which he received, and made to us of its good disposition and willingness to receive and consider any propositions that might tend to promote and secure a good understanding between the two countries, confirm us in the opinion that those we have to make will be readily taken into consideration. For that purpose we now communicate them to your Excellency, as follows:

In the preliminaries of peace between England and France, signed on the 20th of January, 1783, and acceded to the same day by the Ministers of the United States, the clause relative to captures is in these words, viz: “*Les vaisseaux et effets qui pourroient être pris dans La Manche et dans les mers du Nord après l’espace de douze jours à compter depuis la ratification des presens articles préliminaires, seront de part et d’autre restitués. Le terme sera d’un mois depuis La Manche et les mers du Nord jusqu’ aux Isles Canaries inclusivement, soit dans l’Océan, soit dans le Méditerranée, de deux mois depuis les dites Isles Canaries jusqu’ à la ligne équinoxiale ou l’Equateur; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre description plus*

'particuliere de tems et de lieux.' On this article some doubts have arisen, and the final decision of sundry captures and questions of insurance have been suspended till those doubts should be obviated. This may be done, we think, by agreeing to insert the words "*jusqu' a la latitude des Isles Canaries,*" instead of "*jusqu' aux Isles Canaries ;*" and also the words, "*depuis la latitude des dites Isles Canaries,*" instead of "*depuis les dites Isles Canaries,*" it being apparent from the mention of the Mediterranean as in the same stage with the Canaries, and of the equinoctial line as the next stage, that the line of latitude of the Canaries was intended.

The fourth article of the definitive treaty declares it to be agreed that the creditors on either side shall meet with no legal impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

It is undoubtedly just that law should rather aid than impede the execution of *bona fide* contracts; but there are some unusual circumstances attending the English debts in America, contracted prior to the war, that seems to merit consideration; and to shew the reasonableness and utility of explaining and modifying that article by some provisions which we have to propose that may make the collection of such debts more practicable, and more advantageous to the creditors, as well as debtors, than the methods that are otherwise likely to be pursued.

We have further to propose that provision should be speedily made for the satisfaction of the masters, whose negroes were carried away with other property, contrary to the express stipulations of the 7th article of the treaty; and further, we propose that measures be taken for liquidating the charges of prisoners of war on both sides, in order to the payment of the balances.

We apprehend that a fair, equitable, and friendly discussion and adjustment of these matters may contribute much to a future good understanding and amity between the two countries. With that view we have stated them, and shall hold ourselves ready to meet and confer thereon with any Minister authorized by your Court for the purpose.

With great respect, &c.,

JOHN ADAMS,
BENJAMIN FRANKLIN,
THOS. JEFFERSON.

FROM D. HUMPHREYS TO THE COMMISSIONERS.

Paris, October 30, 1784.

The Secretary of the Commission, by appointment, waited on the Duke of Dorset, and delivered to him two letters from the American Ministers, dated the 28th instant; whereupon, the British Ambassador desired Mr. Humphreys to inform the Ministers of the United States, "That being entirely unacquainted with the negotiations proposed through Mr. Hartley to the Court of London, he could say nothing on that subject, except that he would write concerning it to his Court. With respect to the explanations and arrangements suggested in the other letter, (which he would also transmit,) he did not doubt that whatever was equitable would be done; in the meantime he wished the American Plenipotentiaries to be informed that he would make them acquainted with the result so soon as he should receive the necessary instructions." The foregoing is the purport of the verbal answer of the Duke of Dorset, according to the best of my recollection.

D. HUMPHREYS.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, October 8, 1784.

Gentlemen,

I have lost no time in communicating to the King, my Master, the wishes of the United States of America, for the conclusion of the treaty of commerce and friendship, which you have made known to me in the letter you have honored me with, bearing date September 9. His Majesty having thought proper to furnish me with the full power requisite, to give the desired stability to the said treaty, I hasten to transmit to you a copy of this instrument.

I shall ever remember, with the greatest satisfaction, the part I have had the good fortune to bear in the formation of those bonds, which are to connect the Prussian nation with the United States of America.

It appears to be needless to send you a copy of the treaty of commerce in question, which has been the object of the united labors

of Mr. Adams and myself, as I have no doubt that Mr. Adams has kept the draft which I have seen in his hands. I shall make it my duty to hasten the conclusion of this negotiation, and I flatter myself, gentlemen, that you will have the goodness to communicate your ideas to me on the manner in which you desire to proceed.

The King will be pleased to know what city has been selected by the United States for the exchange of commerce between the merchants of the two nations. Stettin and Embden, both Prussian sea-ports, or some port of France or Holland, would answer the object.

I have the honor to be, with the most distinguished consideration, &c.,

DE THULEMEIER.

Full power to conclude a Treaty of Commerce and Friendship between Prussia and the United States, conferred by the King of Prussia upon M. de Thulemeier.

We, Frederick, by the Grace of God, King of Prussia, Margrave of Brandenburg, Arch Chancellor and Electoral Prince of the Holy Roman Empire, Sovereign Duke of Silesia, Sovereign Prince of Orange, Neuf-Chatel, Vallengin and Glatz, Duke of Guelders, Magdeburg, Cleves, Juliers, Berg-Stettin, Pomerania, and of the Cassubians and Vandals, Duke of Mecklenburg and Crosne, Burgrave of Nuremburg, Prince of Halberstadt, Minden, Camin, Vandalia, Schwerin, Ralzeburg, East Friesland and Meurs, Count of Hohenzollern, Ruppin, the Mark of Ravensperg, Hohenstein, Tecklenburg, Schwerin, Lingen, Buren, and Lierdam, Lord of Ravenstein, Rostock, Stargard, Lauenburg, Butau, Artag, and Breda, &c., &c., make known to all whom it may concern :

That it being our intention to enter into a treaty of friendship and commerce with the United States of North America, for the benefit of the inhabitants of the respective countries, we have charged and authorized M. de Thulemeier, our Privy Counsellor and Envoy Extraordinary near the Republic of the United Provinces of the Netherlands, and do, by these presents, confer on him full power to negotiate and treat for that purpose, with such person or persons as may be furnished with a like full power on the part of the United States of North America ; and to conclude and sign, in our name,

the treaty of friendship and commerce on which they may agree, and which we shall not fail to ratify and to fulfil religiously in all points.

In virtue whereof we have signed this full power with our hand, and affixed thereto our royal seal.

Given at Berlin, this thirtieth day of September, one thousand seven hundred and eighty-four.

FREDERICK.

Finckenstein, Hertsberg.

In consequence of these communications, the following draft of a Treaty was enclosed to the Baron de Thulemeier, in a letter which succeeds the said project :

COUNTER PROJECT of a Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America.

The parties being willing to fix, in a permanent and equitable manner, the rules to be observed in the commerce they desire to establish between their respective countries, have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement. On these principles, after mature deliberation, they have agreed to the following articles :

ARTICLE I. There shall be a firm, inviolable, and universal peace, and sincere friendship between his Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

ARTICLE II. The subjects of his Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay within the said United States no other or greater duties, charges, or fees whatsoever, than the most favored nations are or shall be obliged to pay ; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favored nation does or shall enjoy.

ARTICLE III. In like manner the citizens of the United States of America may frequent all the coasts and countries of his Majesty the

King of Prussia and reside and trade, there in all sorts of produce, manufactures, and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay ; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favored nation does or shall enjoy.

ARTICLE IV. More especially each party shall have a right to carry their own produce, manufactures, and merchandize, in their own vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them, and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying, in both cases, such duties, charges, and fees only as are or shall be paid by the most favored nation.

ARTICLE V. All merchants, commanders of vessels, and other subjects and citizens of each party, shall have free liberty in all places within the dominion or jurisdiction of the other, to manage their own business themselves, or to employ whomsoever they please to manage the whole or any part thereof for them, and shall not be obliged to make use of any interpreter, broker, or other person whatsoever, nor to pay them any salary or fees, unless they choose to make use of them. Moreover, they shall not be obliged, in loading or unloading their vessels, to make use of those workmen who may be appointed by public authority for that purpose, but it shall be entirely free for them to load or unload them by themselves, or to make use of such persons in loading or unloading them as they shall think fit, without paying any fees or salary to any other whomsoever ; neither shall they be forced to unload any sort of merchandize into any vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE VI. That the vessels of either party loading within the ports and jurisdiction of the other, may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws shall be made before they are laden on board the vessels ; and that there shall be no examination after, nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order

they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ARTICLE VII. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII. The vessels of the subjects or citizens of either party coming on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, shall have liberty to depart and pursue their voyage without molestation, and without being obliged to pay any duties, charges, or fees whatsoever, or to render any account of their cargo.

ARTICLE IX. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coast or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case, and if the operations of repair shall require that the whole or any part of the cargo shall be unloaded, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

ARTICLE X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases; and in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time, as would be taken of the goods of a native in like

case, until the lawful owner may take measures for receiving them. And if a question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are, and where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the said land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds, without molestation.

ARTICLE XI. The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, without being liable to molestation in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violence or disturbance.

ARTICLE XII. If one of the contracting parties should be engaged in a war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other. And the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy. On the other hand, enemy vessels shall make enemy goods, insomuch that whatever shall be found in the vessels of an enemy shall be confiscated without distinction, except such goods and merchandize as were put on board such vessel before the declaration of war, or within six months after it, which shall be free.

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that shall arise respecting the merchandize heretofore called contraband, such as arms, ammunition,

and military stores of every kind, no such articles, carried in the vessels or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination.

ARTICLE XIV. And in the same case, where one of the parties is engaged in war with another Power, that the vessels of the neutral Power may be readily and certainly known, it is agreed that they shall be provided with sea-letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties,) whenever occasion shall require, shall be renewed as often as the vessel shall return into port, and shall be exhibited whenever required, as well in the open sea as in port; but if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE XV. And to prevent all disorder and violence in such cases, it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports; and all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessel, or effects of the other party, shall be responsible in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private-armed vessels before they are commissioned.

ARTICLE XVI. It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other for any military expedition or other public or private purpose whatsoever; and in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of the law only, and according to the regular course of proceedings usual in such cases.

ARTICLE XVII. If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by the other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof.

ARTICLE XVIII. If the citizens or subjects of either party, in danger from tempests, pirates, or other accidents, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices with all refreshments, provisions, and other things necessary for their subsistence, health, and accommodation, and for the repair of their vessels.

ARTICLE XIX. The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may be freely carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessels shall be obliged to shew; but no vessel which shall have made prizes on the subjects of his most Christian Majesty the King of France, shall have a right of asylum in the ports or havens of the United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian Majesty and the said United States.

ARTICLE XX. No citizen or subject of either of the contracting

parties shall take from any Power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate. Nor shall either party here lend or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ARTICLE XXI. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them: 1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptors. 2d. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours; and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid shall be after due proof of property and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public or private, of the two parties, shall be reciprocally admitted, with their prizes, into the respective ports of each; but the said prizes shall not be discharged or sold there until their legality shall have been decided according to the laws and regulations of the State to which the captors belong. 5th. It shall be free to each party to make such regulations as they judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

ARTICLE XXII. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII. If war should arise between the two contracting

parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying all of their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessities, conveniences, and comforts of human life more easy to be obtained and more general, shall be allowed to pass free and unmolested; and neither of the contracting Powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce.

ARTICLE XXIV. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa; but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, or prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; but the officers shall be enlarged on their paroles, within convenient districts, and have comfortable quarters; and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality, as are allowed by them, either in kind or

by commutation, to officers of equal rank in their own army ; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service ; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war ; and the said accounts shall not be mingled with, or set off against, any other, nor the balance due on them be withheld as a satisfaction or reprisal for any other article or for any other cause, real or pretended, whatever ; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever necessities may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him ; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officers, or other prisoners shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

ARTICLE XXV. The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, agents, and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall choose to make such appointment.

ARTICLE XXVI. If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the compensation where such nation does the same.

ARTICLE XXVII. His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of — years from the exchange of ratifications ; and if the expiration of that term should happen during the course

of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall reëstablish peace, and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the date of its signature.



REPORT OF JOHN JAY ON A PLAN OF A TREATY OF AMITY AND
COMMERCE.

Office for Foreign Affairs, May 17, 1795.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the draft of a Treaty of Amity and Commerce, transmitted by the American Ministers, reports :

That, in his opinion, a system for regulating the trade of the United States should be formed and adopted before they enter into further treaties of commerce ; it appearing to him more wise that such treaties should be accommodated to their system, than that their system should be accommodated to such treaties.

That in forming this system many important questions will arise, such as whether American exports shall be wholly, or how far confined to American bottoms ; whether any and what distinction shall be made in that respect between the vessels of one foreign nation and another ; whether American exports, to whatever nation bound, shall be charged with any or the same, or what different duties ; whether all foreign merchandizes, by whatever nation imported, shall be charged with the same imposts ; whether any, and which species or denomination of foreign productions or manufactures shall be prohibited. These and other questions of the like nature will probably arise, and these treaties will anticipate, if not embarrass the discussion and decision of some of them.

As to the draft of a treaty referred to him, he thinks the policy of some of these articles in it questionable.

I. It appears to him inexpedient to make the conduct of the parties towards the most favored nations the rule of their conduct towards each other :

(1.) Because, as other nations have regulated their trade and we not, their systems cannot be deranged by it, but it may much perplex the formation of ours.

(2.) Because the interchange of favors between us and a nation *merely European*, will probably be regulated by principles and considerations distinct in a certain degree from those which should regulate such an interchange between us and nations *partly European and partly American*.

(3.) Because it may give occasion to difficulties and disputes not easily to be settled.

(4.) Because the inducement to those favors may arise from advantages not in the power of the other to afford *in kind*, and the twenty-sixth article does not provide for an *equivalent* consideration, where it is not in the power of the party to *grant a similar* one. Besides, considerations may be exactly similar *in kind*, and yet very different in *value*, and the article in question does not seem to attend to that circumstance.

(5.) Because we may have reasons for *freely* granting to one nation what we may have no reason to grant to another.

(6.) Because as our trade is at present free to all, we have few *favors* to grant to any; whereas, their trade being charged with various duties and restrictions, they need only relax to have favors to grant.

He thinks it would be better, therefore, to let each party stand alone, without reference to or connection with any other.

II. Your Secretary doubts the expediency of agreeing absolutely that any foreign nation shall be at liberty to bring and vend in the United States all or any of their productions and manufactures *without exception*. Because it may be necessary, either for the purpose of checking the progress of luxury, or for the purpose of promoting our own manufactures, to *prohibit* the importation of certain merchandizes.

He thinks it a mistake that high duties can answer the purpose of a prohibition; because, if the obnoxious articles are permitted to be entered at all, it will be impossible always to decide whether their importation was *regular* or *clandestine*.

These objections cannot have equal force with other nations in their connections with us, because we have little or nothing to carry to them, which could either injure their manufactories or increase their luxury.

III. Your Secretary has doubts respecting the sixteenth article, which suspends laying embargoes.

To an European nation at war with an European nation, embargoes are of little consequence, because surrounding nations can and will supply to each party whatever they may want. But an European nation at war with us, can, by means of neutral vessels, obtain great supplies from us, which, under certain circumstances and in particular emergencies, they could not easily acquire elsewhere.

Your Secretary is of opinion that the duration of these treaties should be very limited, because the increasing importance, as well as the increasing experience of the United States, will almost from year to year increase their capacity of making such connections and compacts more and more correspondent to their views and wishes.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THE COMMISSIONERS TO BARON THULEMEIER.

Passy, November 10, 1784.

Sir,

We received the letter your Excellency did us the honor of writing to us the 8th ultimo, together with the copy of your full power to treat with us. Mr. Adams had, as you suppose, preserved a copy of the project of a treaty that had been concerted between your Excellency and him, but having, by instructions from the Congress, our sovereign, certain new articles to propose in all our treaties with European Powers, which articles, if agreed to, would render some of those heretofore in use unnecessary, and judging also that some change in the order, by bringing together what relates to the same subject, would render the whole more clear, we have made a new draft of the project, adding the new articles, and send it herewith for your consideration.

Those new articles are the 13th and the 23d. The first contains its own reasons, to wit: The prevention of difficulties and misunderstandings heretofore constantly arising with regard to merchandize called contraband in time of war. In support of the other, we offer a few reasons contained in a separate paper, to which we shall only add here, that the article being in favor of humanity, by softening and diminishing the calamities of war, we think it will be honorable to the first Powers who agree to it, and more particularly to his

Majesty the King of Prussia—if he, whose subjects are known to be so well defended by his power and abilities, as to make the stipulation of any favor for them during the war unnecessary, should be the foremost in setting the example of agreeing to such an article. The part, too, which engages not to commission privateers, nor make prize of merchant ships, will, we think, show the disinterestedness of the United States, since their situation is suited to prey with ease on the rich commerce of Europe with the West Indies, which must pass before their doors; while their own, consisting of lumber and provisions, is of so little value as that the loss in that kind of war is vastly inferior to the profit, which was demonstrated in their late contest with Britain, whose mighty fleets were insufficient to protect their trade from the depredations of a people as able and as expert seamen as themselves.

With regard to the manner of conducting this negotiation, we think it may continue to be by letters, till the articles are agreed on; after which, as the many affairs we have on hand make it inconvenient for us to leave Paris, we shall be glad to receive you here, or if that should not be suitable for you, to meet you in any intermediate place that you may nominate.

We send herewith the copy of our commission, and we are, with respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

Reasons in support of the new proposed Articles in the Treaties of Commerce, transmitted to the Baron de Thulemeier, in the letter addressed to him November 10, 1784, and enclosed with a copy of the said letter to Congress the next day.

By the original law of nations, war and extirpation were the punishment of injury; humanizing by degrees, it admitted slavery instead of death; a farther step was, the exchange of prisoners instead of slavery; another to respect more the property of private persons under conquest, and be content with acquired dominion. Why should not this law of nations go on improving? Ages have intervened between its several steps; but as knowledge of late increases rapidly, why should not those steps be quickened, why

should it not be agreed to as the future law of nations, that in any war hereafter the following descriptions of men should be undisturbed, have the protection of both sides, and be permitted to follow their employments in surety, viz :

1st. Cultivators of the earth, because they labor for the subsistence of mankind.

2d. Fishermen, for the same reason.

3d. Merchants and traders in unarmed ships, who accommodate different nations by communicating and exchanging the necessaries and conveniences of life.

4th. Artists and mechanics inhabiting and working in open towns.

It is hardly necessary to add that the hospitals of enemies should be unmolested ; they ought to be assisted.

It is for the interest of humanity in general, that the occasions of war, and the inducements to it, should be diminished.

If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting.

The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it, or to the nation that authorizes it. In the beginning of a war, some rich ships, not upon their guard, are surprised and taken. This encourages the first adventurers to fit out more armed vessels, and many others to do the same, but the enemy, at the same time, become more careful, arm their merchant ships better, and render them not so easy to be taken ; they go also more under the protection of convoys. Thus, while the privateers to take them are multiplied, the vessels subject to be taken and the chances of profit are diminished, so that many cruises are made wherein the expenses overgo the gains, as it is the case in other lotteries ; though individuals have got the prizes, the mass of adventurers are losers, the whole expense of fitting out all the privateers during a war being much greater than the whole amount of goods taken. Then there is the national loss of all the labor of so many men, during the time they have been employed in robbing, who, besides, spend what they get in riot, drunkenness, debauchery, lose their habits of industry, are rarely fit for any sober business after a peace, and serve only to increase the number of highwaymen and housebreakers. Even the undertakers who have been fortunate are, by sudden wealth, led into

expensive living, the habit of which continues when the means of supporting it cease, and finally ruins them. A just punishment for their having wantonly and unfeelingly ruined many honest, innocent traders and their families, whose substance was employed in serving the common interests of mankind.



FIRST REPORT OF THE COMMISSIONERS TO CONGRESS.

Paris, November 11, 1784.

Sir,

Having assembled together at this place about the latter end of August, we proceeded, in obedience to the commands of Congress, to notify our appointment and its objects to such Powers as we thought it advisable at that time to address.

We wrote a circular letter, in the form No. 1, to the Ambassadors or other Ministers residing here from the Courts of Saxony, the Two Sicilies, Sardinia, Venice, Tuscany, Russia, and Rome. Copies of the answers from those of Saxony, the Two Sicilies, Sardinia, Venice, Tuscany, are contained in the enclosed papers, Nos. 2, 3, 4, 5, and 6. The Minister of Russia answered verbally to Colonel Humphreys, who delivered the letter, "that he would transmit it to his Court." From the Nuncio of the Pope we have received no answer, either written or verbal. Our letter to him was dated September 22d.

Our letter to the Ambassador of Spain was in the same form; his answer, a translation of it, and our reply, is contained in Nos. 7, 8, and 9.

A project of a treaty having been before concerted with the Court of Lisbon, a small alteration in the form of our general letter, as noted in No. 1, adapted it to that circumstance. No. 10 is a copy of the answer of their Ambassador.

A like circumstance with the Court of Berlin rendered a letter in the same form proper for that; but as that negotiation had began with the Baron de Thulemeier, their Envoy at the Hague, we thought it proper that our letter proposing a continuation of it should be addressed to him, and not to the Minister here. No. 11 is a copy of his answer, and No. 12 of our reply.

Our commission to Sweden, and instructions accompanying it, proposing a supplementary treaty to that Power, we addressed a

letter, of which No. 13 is a copy, to the Swedish Ambassador here. No. 14 is his answer, and No. 15 our verbal communication in consequence of it.

Doctor Franklin having had occasion to write to the Imperial Minister after his receipt of the new instructions, but before our meeting, had taken that opportunity of notifying to him the commission with which we were honored for that Court. A copy of his answer will be found in No. 16.

A letter from the Minister of Genoa, of which No. 17 is a copy, addressed to Doctor Franklin, and received before we had sent out our general letters, furnished a like occasion of notifying our powers to him, which Doctor Franklin did in a letter, of which No. 18 is a copy.

To the Court of Versailles we announced our commission verbally, shewed the original, and left a copy with the Count de Vergennes, from whom we received a verbal answer, "that he would 'always be ready to enter on negotiations and receive propositions 'which might be of mutual advantage and tend to cement the 'union and increase the harmony which prevailed between the two 'nations.'"

A project of a treaty between the United States and Denmark had before been communicated to Congress. Baron de Walterstorff, the person with whom this had been concerted, was still here, expecting that powers would be sent from Congress to conclude it. He was himself furnished with a letter from his Minister, authorizing him to take the measures which had been taken, and assuring him of regular powers as soon as those on our part should arrive to him; therefore we notified verbally that we were furnished with powers for concerting and concluding a treaty, and he assured us verbally he would immediately transmit our notification to his Court, and that we might rely on their sending corresponding powers.

Mr. Hartley had been sent here from the Court of London, with a Plenipotentiary commission for the perfecting and establishing peace, friendship, and good understanding between the United States and the subjects of his Britannic Majesty, and for opening, promoting, and rendering perpetual the mutual intercourse of trade and commerce between them. This commission had been regularly communicated to our Ministers at the time of concluding the definitive treaty of peace, and had been in part executed by the actual

signature of that treaty. The second part, however, for opening, promoting, and rendering perpetual a mutual intercourse of trade and commerce, remaining unexecuted, for want of proper powers from the United States, that Minister had continued here. On the 31st of August we notified to him verbally that we were furnished with powers for entering into a treaty of amity and commerce with his nation. He answered verbally, also, "that he would immediately 'communicate it to his Court, and that he did not doubt that his 'Majesty's Government would at all times be ready to concur in the 'forming such a system as may fully answer every purpose of commercial as well as political advantage to the two countries, and fix 'and establish a permanent and beneficial intercourse between them.'" Some time after this he asked a meeting with us at Passy, at which he informed us that he had communicated our notification to his Court, and had received a letter in answer, in which was a clause to this effect: You may with great truth assure the American Ministers of our ready and friendly disposition to receive any proposals from the United States for the forming such regulations as may tend to the mutual and reciprocal advantage of both countries. He informs us at the same time, however, that he was ordered to return to London, which he accordingly did in a few days. This official answer had been given us on the 16th September, and having waited a sufficient time to have heard further from him after his return, and receiving nothing further, we wrote on the 28th of October two letters to the Duke of Dorset, the British Ambassador at this Court, of which Nos. 19 and 20 are copies. On the receipt of which he desired Colonel Humphreys, who delivered them, to inform us that, being entirely unacquainted with the negotiations proposed through Mr. Hartley to the Court of London, he could say nothing on that subject, except that he would write concerning it to his Court. With respect to the explanations and arrangements suggested in the other letter, (which he would also transmit,) he did not doubt but that everything which was equitable would be done; and in the meantime he wished us to be informed that he would make us acquainted with the result as soon as he should receive the necessary instructions.

We have not yet communicated our powers or propositions to Hamburg or the United Netherlands. From the former there is at present no public Minister here, and when communicated to the

latter, we knew that from the States General they would be carried to the regencies of the several States, and from these again to their several towns, so that their publication would be inevitable. We thought it better that this should not take place till they should have been discussed and concluded with those nations whose system of negotiation is more private.

To the Porte, the Emperor of Morocco, and the Regencies of Algiers, Tunis, and Tripoli, no communications have been made. Treaties with these Powers are formed under very peculiar circumstances. Not only the expenses of the negotiations on their part are to be borne by the other negotiating Power, but great presents and an annual tribute are requisite with some of them. The contributions under which they thus lay the Powers of Europe are as heavy as they are degrading. We feel for our country under both these points of view, and as we cannot proceed at all till the money necessary is actually ready at our command, we have thought it proper to give this information to Congress. We wish it was in our power to conjecture the sums which might be necessary; and have endeavored to learn what is given by the European Powers, as we might thence form some estimate what would be required from us. As yet we have been unable to obtain this information, and we know not what measures to suggest should Congress determine to proceed in these treaties, other than to limit us to some ultimate sum, to place that actually at our command, and to rely on our assurances that we shall use our best endeavors to reduce the contributions as far below this as shall be in our power. Presents or war is their usual alternative. Should Congress, however, determine against the first, they might perhaps think it proper that some intelligent person should be sent to make himself acquainted with the wants of those States, and to know whether we could not offer to them such a commercial intercourse as might make an equal treaty acceptable.

We have made to the Count de Vergennes the communications directed by our instructions of May 11th, 1784, as to the claim of the five Fosters, brothers, for the prize of their vessel, the *Three Friends*, and have received no answer on the subject; from which circumstance we hope that the Court is satisfied as to that article.

A letter received from the Count de Vergennes, and another from Monsieur Grand to Dr. Franklin, of which No. 21 and 22 are copies, give us reason to apprehend an uneasiness in this Court, lest we

should fail not only in the punctual payment of the interest on their particular loans, but should permit the payment on the Dutch loan, which this Court guarantied to fall in the first instance on them. This circumstance, under the present probability of a war in Europe, might be really inconvenient to them, and give unfavorable ideas of the sense we entertain of their past favors. Congress will know whether measures have been taken to make timely payments here, and they can best judge of what exertions the States are capable for reducing their foreign debt even faster than their stipulations require. A hearty disposition in the people goes far towards making them equal to whatever it is their duty and interest to do, and we cannot help supposing that if our countrymen would boldly look that part of their foreign debt in the face, which they have a right to discharge, if they would view it and view themselves, they would find they could master it perhaps with a single effort. Of this we can assure them that nothing would produce such a revolution in the opinion entertained in Europe of their powers, of their justice, and of the tone of their Government. If a reputation for equity and gratitude; if a demonstration of our resources and of our resolution; if the subjection of the riches of Europe to our wishes, on any future emergency, may be bought at half a guinea a head, cannot our countrymen be roused to make the purchase? Add to this that it would command for us a respect, which might save us in the end millions of money and torrents of blood. Congress, we hope, will pardon us these reflections; we are on a field where every circumstance tends to produce them.

Our instruction as to gratification and indemnification to John Baptist Pequet has not yet been complied with. Mr. Grand's letter will assign the reason.

The honor of our country, as well as our own feeling, will not permit us to pass unnoticed, that we are now depending for daily subsistence on the bounty of a subject of this kingdom, a bounty to which he tells us in his letter, "*qu'il sera forc   mettre des bornes.*" We trust that Congress will be so good as to order us effectual and instantaneous relief from this situation.

We are to acknowledge the receipt of two letters from the Committee of the States, the one dated July 16, the other August 13. This covered the British roll of one hundred and forty-two men, ninety women, and fifty-four children, negroes, part admitted

to be slaves, and a part said to be free, which were carried from New York at the time of the evacuation; the only voucher we have yet received in support of that article in our instructions which respects this subject. The former contained papers on the subject of the brig *l'Aimable Elizabeth*, scuttled and abandoned by her master and crew while in company with Captain Shewel from Philadelphia, taken possession of by him, sent into Newfoundland under the care of his second lieutenant, John Justice, where she is said to have been seized and disposed of without trial or condemnation by a Nicholas Gill, Commissary and Judge of the Vice Admiralty there. The circumstance of scuttling the vessel awakening suspicion, (as it is difficult to assign an honest reason for it,) and the brig having gone from *L'Orient*, and the master and crew returned thither with Captain Shewel, we desired Mr. Barclay to procure what testimony he could on the subject, and communicate it to us. He has sent us the protests of both the French and American masters, and it is a little remarkable that the French captain makes no mention of the American one having taken possession of the vessel and put men on board of her, and expressly supposes she sunk that night; and that Captain Shewel is equally silent as to the same circumstance of his having manned her. Mr. Barclay is still engaged in searching into this matter; and as the investigation will take some little time, we submit, in the meanwhile, some other considerations to the wisdom of Congress, because it is of importance to the character of a nation to make no demands on another, which cannot be substantially supported. If there was no judiciary trial or condemnation, as the papers suppose, this seems to have been a trespass in Nicholas Gill, committed within the jurisdiction of the British Courts, and remediable by a common action at law, which does not seem to have been denied to or demanded by the sufferer. If there were a judiciary condemnation, yet it was in an inferior court, from which an appeal might have been demanded to a higher court, where the presumption always is that the injustice would have been redressed. Persons who go into a foreign country, submit themselves to the laws of that country, and in every civilized nation its courts are open to redress any injury they may receive. It is not till they shall have tried these courts, through all their possible stages, till they shall have been denied redress by them, and that too against palpable justice, that it is usual for their own sovereign to take it up, and make it a cause of

national complaint. Nations would keep each other in a constant state of irritation, and much oftener proceed further, were every private dispute between their citizens to be taken up by their sovereign in the first instance. Congress will be pleased to determine whether these considerations have weight enough to induce them to suspend, our application to the British court in this case, till their pleasure shall be further signified to us.

With great respect, we have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



Immediately after despatching the preceding letter to Congress, the Plenipotentiaries received by the hand of the Secretary to the Portuguese Embassy the following :

Copy of a Letter from Monsieur de Sa, dated at Queluz the 24th October, 1784, to M. de Souza.

In consequence of what the agents of the United States of America have written to your Excellency, you can assure them that her most Faithful Majesty will be much pleased to have a better correspondence with the United States. It is her wish that their agents explain themselves, and make known the intentions of Congress, in order that your Excellency may communicate to your Court, which will listen to them with much attention.



FROM THE COMMISSIONERS TO COUNT DE SOUZA.

Passy, November 30, 1784.

Sir,

We have received the extract of the letter from M. de Sa of the 24th October, 1784, which your Excellency was pleased to send us by the hand of the Secretary of your Legation.

That in consequence of our letter, your Excellency might assure us that her most Faithful Majesty will be very glad to have the best correspondence with the United States, and that we may explain to your Excellency the intentions of Congress, to be communicated to your Court, who will listen to them with much attention.

Conformably to the desires of her most Faithful Majesty, expressed in this extract of the letter of her Minister, we have the honor to enclose a draft* of a project of a treaty of amity and commerce to be concluded between the two Powers, if this project should be approved by her Majesty, and a full power should be sent to your Excellency to conclude, we are ready to sign such a treaty on the part of the United States. If your Court have any objections or alterations to propose, we shall give them all the attention and consideration consistent with the views of our constituents.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Paris, November 16, 1784.

Gentlemen,

I have not failed to transmit to my Court the letter with which you honored me on the 30th September last relative to a treaty of amity and commerce between the subjects of my master the Arch Duke, Grand Duke of Tuscany, and the citizens of the United States of America.

I have the honor to inform you, gentlemen, that the invitation has been very agreeable to his Royal Highness, and that he will receive with pleasure the communication of propositions, and a plan upon which the agreement may be negotiated, in order that he may take them into consideration.

I have the honor to be, &c.,

FAVI,
Chargé d'Affaires of Tuscany.

FROM THE COMMISSIONERS TO M. FAVI.

Passy, December 9, 1784.

Sir,

We have received your letter of the 16th November, wherein you are pleased to inform us that you had communicated to his Royal

* The draft of the treaty was the same as that enclosed to the Baron de Thulemeier. Vide page 519.

Highness, the Grand Duke of Tuscany, the overtures we had the honor of making for the establishment of a treaty of amity and commerce between the subjects of his Royal Highness and the citizens of the United States of America; that these were agreeable to him, and that our proposition on this subject would be received with pleasure, and taken into consideration.

We have now the honor of enclosing to you, for the consideration of your Court, a plan of such a treaty of amity and commerce as we shall be ready to sign, if it shall meet their approbation. We flatter ourselves they will find it founded on those principles of equal right which are the surest guardians of every treaty, and calculated to promote the interests of humanity in general. We shall receive, with great respect and attention, any amendments which may be proposed, and concur cheerfully in accommodating it more perfectly to the true interests of commerce and happiness of the two nations, well knowing that we cannot better gratify the wishes of our constituents, and the respect which they entertain for his Royal Highness, than by opening a liberal and friendly intercourse between his subjects and them.

With great respect, we have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

Paris, November 24, 1784.

Gentlemen,

I have transmitted, without loss of time, to the Marquis of Carmarthen, his Majesty's Secretary of State for Foreign Affairs, copies of the two letters which you had done me the honor of addressing to me, and am in consequence authorized to assure you, on the part of his Majesty's Ministers, of their readiness to take into consideration any proposals coming from the United States that can tend to the establishing a system of mutual and permanent advantage to the two countries; for the more ready accomplishment of which I am instructed to notify you, gentlemen, the previous stipulation proposed by my Court, that the United States should send a person properly authorized and invested with the necessary powers, to London, as

more suitable to the dignity of either Power than would be the carrying on, at any third place, negotiation of so great importance.

I have not yet received any instructions upon the subject of your letter stating certain propositions in regard to particular articles of the preliminaries of peace between England and France, signed on the 20th of January, 1783, and acceded to by the Ministers of the United States. But I have every reason to believe that a full and candid discussion of those points will be entered into by my Court, with the sincere view, I can venture to say, of effecting a fair and equitable adjustment of the several matters offered for consideration, and from an earnest desire of promoting a friendly and confidential intercourse between Great Britain and America.

I have the honor to be, with great truth, &c.,

DORSET.



FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, December 9, 1784.

My Lord Duke,

We have received the letter which your Grace did us the honor of writing us on the 24th day of last month, and we receive with much satisfaction the assurances on the part of his Britannic Majesty's Ministers of their readiness to take into consideration any proposals coming from the United States of America that can tend to the establishing a system of mutual and permanent advantage to the two countries.

As to the previous stipulations proposed by your Court, "that 'the United States should send a person properly authorized and 'invested with the necessary powers to London, as more suitable to 'the dignity of either Power than would be carrying on in any third 'place a negotiation of so great importance,'" we can only say, that if by this proposition it is intended that the United States should send a public Minister to reside constantly at the Court of Great Britain, we are not authorized to answer it, but we shall transmit a copy of your Grace's letter to Congress, who will determine upon it according to their wisdom; but if it is intended only that the proposed negotiation should be conducted in London, we can inform your Grace and his Majesty's Ministers that we have a full power, in due form, as Ministers Plenipotentiary to his Britannic Majesty,

not only to treat but conclude upon all the subjects in question, and although we have no apprehension that it is inconsistent with the dignity of the United States to treat in any third place, and although it would be inconvenient for us to leave Paris, where we have already commenced negotiations with several other Powers, for any long time, yet we are so desirous of showing a respect to the sentiments of your Court, that we would readily repair to London, as we are not limited by our commission nor instructions to any place.

We shall, therefore, wait for further information from your Grace, and from his Majesty's Ministers; and if it shall appear to be their desire to meet us in London, we shall do ourselves the honor of paying our respects to them in person without loss of time.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



SECOND REPORT OF THE COMMISSIONERS TO CONGRESS.

Paris, December 15, 1784.

Sir,

In our letter of November 11, we had the honor of laying before Congress a state of our proceedings till that date. As from that it would appear that the last communication had passed from us to the other parties, we can now only add the answers of such of them as have yet answered, and our replies—these are the Courts of Portugal, Tuscany, and Great Britain. No. 1 is a copy of the communication from the Ambassador of Portugal to us; No. 2, a copy of our reply; No. 3, a copy of a draught of a treaty which we enclosed to him; No. 4, is a copy of a letter from the *Chargé d’Affaires* of Tuscany, and No. 5 our answer, which enclosed a copy of the same draught of a treaty, only changing the style of the other party. We must observe that the draught of a treaty which has accompanied our letter to Baron Thulemeier, the Prussian Minister at the Hague, which letter was enclosed in our last to Congress, but without the plan of the treaty, was verbatim the same with those to Portugal and Tuscany, with only a like change in the style of the other party. No. 6 is a copy of a letter to us from the British Ambassador here, and No. 7, of our reply.

We received information from the public papers that an American vessel, which had just sailed from Cadiz, was captured on the 11th of October by a frigate of the Emperor of Morocco, being one of the five which he had cruising in the ocean, and that she was carried into Tangiers on the 16th of October. This intelligence is confirmed in a letter from Mr. Carmichael, who adds that the vessel captured belonged to the State of Virginia. We think it our duty to mention this event to your Excellency, as it will show the necessity that immediate measures be taken with the piratical States for the preservation of our trade to the Mediterranean, to Spain, and to Portugal, and perhaps to countries still more distant, as their vessels may extend their cruising grounds.

With the most perfect consideration and respect, we have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM M. DE SOUZA TO THE COMMISSIONERS.

Translation.

Paris, December 22, 1784.

Gentlemen,

I have received the letter you did me the honor to write, with the plan of a treaty which the United States of North America propose to the Queen, my Sovereign, all of which I transmitted to the Court of Lisbon.

I have the honor to be, &c.,

DE SOUZA,
Ambassador of Portugal.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

The Hague, December 10, 1784.

Gentlemen,

The letter you have done me the honor to write to me, dated November 10th, reached me on the 26th of the same month by a Dutch courier. I have transmitted to the King a French translation.

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of the project of a treaty of commerce, to be concluded for the reciprocal advantages of the subjects of his Majesty and of the citizens of the United States of America, to which the recent orders of Congress have compelled you to make some alterations in opposition to the project I had the honor to place in the hands of Mr. Adams on the 9th of April of the present year.

As soon as the orders from my Court reach me I shall lose no time, gentlemen, in informing you of the observations which the King will think proper to make on this new project. The twenty-third article is dictated by the purest zeal in favor of humanity. Nothing can be more just than your reflections on the noble disinterestedness of the United States of America. It is to be desired that these sublime sentiments may be adopted by all the maritime Powers without any exceptions. The calamities of war will be much softened, and hostilities, often provoked by the cupidity and inordinate love of gain, of more rare occurrence.

Allow me, gentlemen, to bring to your recollection the requisition which I had the honor to make to you in the last lines of my letter of 18th of October of the present year.

The King having expressed to me that he would learn with pleasure the choice which the United States might make of any city for the exchange of commerce between the merchants of the two nations, I desired you, accordingly, to let me know your ideas on this subject. I added that Stettin and Embden, both Prussian maritime places, or even some French or Dutch ports, might fulfil this object.

I have the honor to be, &c.,

DE THULEMEIER.



FROM THE COMMISSIONERS TO BARON DE THULEMEIER.

Passy, January 21, 1785.

Sir,

We have received the letter you did us the honor to write us on the 10th day of December last.

We supposed that the principles contained in the project of a treaty, which we had the honor to transmit to you, were a virtual answer to the requisition in the last lines of your letter of the 18th of October. By the second and third articles, the citizens and subjects of each Power may frequent all coasts and countries of the

other, and reside and trade there in all sorts of produce, manufactures, or merchandizes, paying no greater duties than the most favored nation. By the fourth article, each party shall have a right to carry their own produce, manufactures, and merchandizes in their own vessels, to any ports of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other party to purchase them; and thence to take the produce, manufactures, and merchandize of that other, which all the said citizens or subjects shall in like manner be free to sell them, paying, in both cases, such duties, charges, and fees only as are or shall be paid by the most favored nation.

But if by a city for the commerce of exchange between the merchants of the two nations be meant a port more free than any intended in the said second, third, or fourth articles; that is to say, a port absolutely free from all duties and charges, or a port where merchandize may be landed and stored, and afterwards reëmbarked and exported, without paying any imposts or duties, we submit to your consideration whether it will not be for the interest of Prussia that both Embden and Stettin, at least, should be made such; however, should it be thought otherwise, and be still desired to elect one of the two ports, we should ask for time to communicate the proposition to Congress, and to receive their instructions thereon.

We have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



The Baron de Walterstorff having personally informed each of the American Ministers that he had obtained permission to return to Copenhagen, and that he had it in charge to solicit such communications as they should judge it might be useful to make, on the 1st February, 1785, announced the same officially in the following letter:

Translation.

“Paris, February 1, 1785.

“Gentlemen,

“Monsieur the Count de Bernstorff, in communicating to me the permission of the King to make a visit to Copenhagen; where my

private affairs demand my presence at this time, has recommended that I should request of the American Ministers to be pleased to furnish me with such ideas as they may judge useful to hasten the end we have in view. I have nothing so pressing on hand as the conveying to you the information of the little voyage I am about to make. I have even had the honor of seeing Messrs. Adams and Franklin, and I have now that of informing you that I have fixed upon Friday next as the day of my departure, if by that time you can prepare the documents with which I am to be entrusted. Permit me, gentlemen, in the meantime, to assure you that I shall always regard the having made your acquaintance as one of the greatest advantages of my residence at Paris. I hope that events will be sufficiently favorable to my prayers, to find other occasions of cultivating it, and of repeating the assurances of my perfect attachment, and the consideration with which I have the honor to be, &c.,

“DE WALTERSTORFF,

“Ambassador of Denmark.”



FROM THOMAS JEFFERSON TO THE BARON DE WALTERSTORFF.

Paris, February 3, 1785.

Sir,

I had the honor of receiving yesterday the letter you were pleased to address to me, wherein you mention (as you had before done to Mr. Adams and Doctor Franklin) that the Count de Bernstorff, in communicating to you the permission of your Sovereign to pay a visit to Copenhagen, had desired you to ask of the American Ministers their proposition for forwarding the objects respecting the two nations. I immediately communicated your letter to Mr. Adams and Dr. Franklin, and in consequence thereof have now the honor of enclosing to you the draft of a treaty of amity and commerce, in such form as we would wish to see established between our two sovereigns. To emancipate commerce from the shackles which oppress it, to increase the general happiness, and lessen the miseries of mankind, are the objects of these propositions; and we flatter ourselves that the means proposed are founded in the most perfect equality and reciprocity of right. We shall attend, with great respect, to such improvements as your Court may wish to make, for the furtherance of the same good objects.

I wish you a much pleasanter journey than the season and weather seem to promise, and shall at all times be happy to hear of your welfare, and to take every occasion of assuring you of the esteem, with which I have the honor to be, &c.,

THOS. JEFFERSON.



FROM MONSIEUR DE PIO TO THE COMMISSIONERS.

Translation.

Paris, January 22, 1785.

Gentlemen,

Having had the honor to place your letter of the 27th September, 1784, before the King, my master, and his Majesty having caused the propositions and offers contained in it, in regard to the conclusion of a treaty of commerce and friendship with the United States, to be seriously examined, he has ordered me to declare to you that nothing could be more agreeable to him, inasmuch as he devotes all his cares to the increase of the internal and external commerce of his kingdom. It is with that view that his Majesty has lately opened and established Messina, on the Island of Sicily, as a free port, to which all nations are invited to resort, with full assurance that they will meet there a very favorable reception, and that they shall certainly enjoy there all kinds of privileges and immunities, as you will see by the annexed ordinance. I wish you, gentlemen, to consider well the advantages which your countrymen can derive by resorting to that port.

I am besides ordered, gentlemen, to make, in the name of his Majesty, a formal declaration to you, that all merchant vessels under the flag of the United States shall be received in Messina with marks of the most sincere friendship, and that they will find there the greatest hospitality. That they shall also be treated with all possible consideration in all the ports of his dominions; that they shall always find assistance by being furnished with all they may want; and that they shall have the liberty to trade in the productions of their country, as well as their manufactured articles, and those of other nations.

Tobacco being the most important item of the commerce of the United States, as you have done me the honor to observe in one of our private conversations, I must give you notice, gentlemen, that

this plant is now, in the States of the King, my master, free from all the duties to which it was subjected. As to other productions, you shall have not only the liberty to introduce them in his dominions, in as great quantities as may be wanted for the consumption of the Neopolitans, but you shall also have the privilege to import for the rest of Italy, for the East, and for any other countries, such quantity of goods as you may find advantageous for your speculations. You shall also have the same liberty and facilities to export from the kingdom of Sicily, oil, wine, silks, and all other productions that Sicily can furnish you, and which can be useful or agreeable to you.

The King, my master, would not delay any longer to give you the most convincing proofs of the desire he has to form ties with the United States, and to show them by his good will to begin as soon as possible a commerce advantageous to both nations, his Majesty reserving to himself the right to deliberate on the subject, and to take such resolutions as may be necessary to conclude a treaty of commerce in all its forms, as you appear by your letter to desire.

During the time that may elapse before my Court can examine and consider seriously the objects which are to be regulated in a treaty of this nature, I think, gentlemen, that it would be very advantageous to the Americans to begin now to frequent the ports of Sicily, and particularly that of Messina, for the purpose of establishing there some relations of commerce which can be stipulated more precisely in the proposed treaty. Allow me, gentlemen, to observe to you, that to establish and to carry the operation of a new treaty of any extent, and in whatever country, it is not necessary that it be authorized by a previous treaty. It suffices that foreigners should be received there with friendly feelings, and protected by the Government. As a proof of this, I will observe that all nations which trade the most with Sicily, such as England, France, Genoa, Venice, Ragusa, Hamburg, have no treaty of commerce with my Court; and although France has commenced a treaty with this nation, the French have not waited for the conclusion of it to establish the most advantageous commerce.

I have the honor to be, with the most distinguished consideration, &c.,

DE PIO,
Chargé d'Affaires of Naples.

FROM M. DE SCARNAFIS TO THE COMMISSIONERS.

Translation.

Paris, February 2, 1785.

Gentlemen,

Having communicated to my Court the letter which you did me the honor to write the 22d October last, informing me that you were authorized on the part of the United States of America to negotiate with his Majesty the King of Sardinia, relative to the establishment of commerce between the two nations, I have now that of informing you that the King will be pleased to see the ships of the United States frequenting his free port of Nice, where they will always be well received; and if hereafter an opportunity should offer of forming commercial ties, which may be suitable and of reciprocal utility, he will make with the United States all the necessary arrangements which will be necessary to ensure their stability.

I have the honor to be, &c.,

DE SCARNAFIS,
Ambassador of Sardinia.



THIRD REPORT OF THE COMMISSIONERS TO CONGRESS.

Paris, February, 1785.

Sir,

In our last of December 15th, we had the honor of communicating to Congress our letter to the Ambassador of Portugal, which accompanied the draught of a treaty of amity and commerce proposed on our part. Since that date he addressed to us the letter No. 1, acknowledging the receipt of ours, and informing us that he had forwarded it to his Court.

The Baron de Thulemeier, also, the Prussian Minister at the Hague, has given us similar information in his letter No. 2, herewith enclosed. He therein also desires, as he had done in his letter of October 8th, that we would make choice of some port within the dominions of his sovereign, at which the commerce between the two countries might be carried on. We supposed that we had answered this by proposing, in our draught of the treaty, that all places in the dominions of either party should be open to the subjects or citizens

of the other, for the purposes of commerce. As he thought proper, however, to repeat the desire of the King, that we would make choice of some place, we wrote him an answer, of which No. 3 is a copy, and we have now to ask of Congress their instructions as to the choice of a place for the purposes proposed.

The Baron de Walterstorff, who had been formerly appointed by the Court of Denmark to negotiate a treaty with the United States of America, and to whom we had notified our full powers for that purpose, called on us separately a few days ago, and informed us that he had obtained permission from his Court to make a visit to Copenhagen, where his private affairs required his presence, and that the Minister had, at the same time, instructed him to ask from us our propositions, that they might be considered during his stay at Copenhagen, and the sentiments of his Court thereon be fully made known to him. This he afterwards communicated more particularly in the letter, No. 4, to which an answer was returned, of which No. 5 is a copy, enclosing a draught of a treaty similar to the one we had the honor to communicate to you in our letter of December 15.

We have also, since our last, received an answer from the Court of Naples, through their Chargé d'Affaires, and from that of Turin through their Ambassador at this Court, (the answer of Naples is accompanied by a printed ordinance establishing the privileges of Messina as a free port,) which we now enclose, distinguished by the Nos. 6 and 7. To these we do not propose to make any reply, unless future overtures from them, or other circumstances, should render it necessary or proper.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

Paris, February 8, 1785.

About this time came to hand, through the French post office, *thirteen* large packets, all of them addressed "*A Messieurs Messrs. Les députés des Etats Unis de l'Amerique a Paris,*" containing the Minutes of the proceedings of the Court of Admiralty at the Cape, and the adjudications as legal prizes of an equal number of British vessels captured by armed vessels belonging to the United States of

America during the late war; which said prizes were ordered to be disposed of for the benefit of the captors, until it should be otherwise determined by the American Ministers at the Court of Versailles. Whereupon, the Ministers Plenipotentiary of the United States have thought proper that the aforesaid papers should be deposited in the office of the Minister actually resident at that Court, which was done accordingly.

FROM MONSIEUR FAVI TO THE COMMISSIONERS.

Translation.

Paris, February 10, 1785.

Gentlemen,

In due season I transmitted to my Court the project of a treaty which you did me the honor to address to me.

The principles upon which it is based are too much in conformity with those of the Tuscan Government to prevent its adoption. You must not doubt, gentlemen, that the citizens of the United States of America will obtain, upon a footing of the most perfect reciprocity, all the facilities and advantages in the ports of Tuscany which are accorded to the most favored nations.

As soon as an answer is received, I will do myself the honor of communicating it to you.

I have the honor to be, &c.,

FAVI,
Chargé d'Affaires of Tuscany.

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, January 24, 1785.

Gentlemen,

The King, my master, having thought proper to authorize me to place in your hands some observations on the counter project of the treaty of commerce, to be concluded for the reciprocal advantages of his subjects and the citizens of the United States, such as you did me the honor to address me, bearing date November 10th ultimo, and brought to the Hague by a Dutch courier, the 26th of the same month, I hasten to fulfil the orders of his Majesty. An express,

with despatches from the Ambassadors from Holland, furnishes me to-day with a sure and prompt opportunity. The English language being familiar neither to the Prussian Chancery, nor to the King, nor his Ministry, it has become necessary that I should make a French translation, and to prove its exactness, I have caused it to be placed by the side of the annexed observations. I flatter myself that these last will appear to you, gentlemen, dictated by that spirit of justice, equity, and humanity, which characterize all the proceedings of the Monarch in whose service I have the honor to be. I shall, with the most lively zeal, employ myself in consolidating a negotiation, the issue of which cannot but be infinitely advantageous to both nations, and I have no doubt but that the contents of the first letter with which you may honor me will facilitate the means of terminating, in concert with you, gentlemen, the projected treaty.

I have the honor to be, &c.,

DE THULEMEIER.



ANSWER OF THE COMMISSIONERS TO THE OBSERVATIONS ON THE
PROJECT OF A TREATY WITH PRUSSIA, TRANSMITTED BY BARON
THULEMEIER.

Passy, March 14, 1785.

Sir,

We had the honor of receiving your letter of January 24, covering a translation into French of the draft of a treaty proposed between his Majesty the King of Prussia and the United States of America, together with answers to the several articles. We have considered them with attention, and with those dispositions to accommodate them to the wishes of his Majesty, which a respect for his character and a desire of connecting the two nations in amity and commerce would naturally produce. We will now take the liberty of troubling you with the result of our deliberations, article by article.

ARTICLE II. We agree to add the restriction proposed to the end of this clause, to wit: "submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the citizens of the United States and the citizens and subjects of the most favored nations."

ARTICLE III. Agreed to add a like clause, to wit: "submitting themselves, nevertheless, to the laws and usages there established,

‘and to which are submitted the subjects of his Majesty the King
‘of Prussia, and the subjects and citizens of the most favored
‘nations.’”

ARTICLE IV. Three effects of this are objected to:

1st. The permission to export and import all the merchandize of either country without exception.

2d. The permission to **ALL PERSONS** to be buyers and sellers.

3d. The not extending, in express terms, the right of transportation beyond the vessels of the two contracting parties.

As to the first, we agree to make to the clause the addition proposed, to wit: “nevertheless, the King of Prussia and the United States, and each of them, reserve to themselves the right to prohibit ‘in their respective countries the importation and exportation of all ‘merchandize whatsoever, when reasons of State shall require it; in ‘this case the subjects or citizens of either of the contracting parties ‘shall not import or export the merchandize prohibited by the other. ‘But if one of the contracting parties permits any other nation to ‘import or export the same merchandize, the subjects or citizens of ‘the other shall immediately enjoy the same liberty.”

With respect to the second object, a permission to *all persons* to become buyers and sellers in this intercourse, it does, indeed, interfere with the practice of some nations of Europe, wherein the right of buying and selling particular articles of merchandize is frequently given to particular persons or descriptions of persons exclusively. The origin of this practice is to be found in a very remote and unenlightened period, when religious physics and every other branch of science was sophisticated and abused. The progress of information and of liberal sentiment has led to reformations in those, and in this, also, seems to have matured principles which should produce a reformation equally wanted. Commerce performs the important office of procuring vent for superfluities, of supplying wants, and of adjusting prices on a reasonable scale. This it does best where it is freest. Casting an eye over the States of Europe we find them wealthy and populous nearly in proportion to the freedom of their commerce; and we may conclude from thence that were it perfectly free, they would probably attain the highest points of wealth and population of which their other circumstances would admit. A free competition between buyers and sellers is the most certain means of fixing the true worth of merchandize; on the other hand, the restraint

of this right to particular persons, which constitutes a monopoly, has been found in experience the most powerful engine ever employed for the suffocation of commerce. It is interesting to both parties, therefore, to guard against this in their stipulations. The law of Königsberg, which prohibits a foreigner from selling his merchandize to any but native subjects, is a monopoly in a certain degree. It would rather seem desirable that foreigners should come into our ports, and there transact together all their business of exchange. It is not for us to judge whether under actual circumstances this law of Königsberg is a proper object of reformation. His Prussian Majesty will decide this, who has already so much extended the limits of happiness for his subjects by the removal of other bars to which time and habit had given their sanction. Should it be indispensable to save the force of this law, we would propose to retain the expressions in this article which give freedom to all buyers and sellers; but that at the end of the addition before agreed to, a further one should be made in this form: "nor shall this article derogate from the force of the laws of the city of Königsberg which forbid traffic between foreigners within the limits of their jurisdiction." This will guard against monopoly so much of the field of commerce as is not already occupied by it. We wish, however, that in this article the word "persons" should be substituted instead of the "subjects or citizens of that other," and again, instead of "the said subjects or citizens."

The third objection to this article is, that it does not extend the right of transportation beyond the vessels of the two countries. It was thought that the securing this right so far was making a valuable step towards the freedom of intercourse. A right would remain to each party of refusing that privilege to vessels foreign to both; a right which probably would never be exercised but in retaliation on any particular nation adopting that narrow principle. We abandon freely the reservation in its general form in pursuit of an object so valuable to mankind as the total emancipation of commerce and the bringing together all nations for a free intercommunication of happiness, and agree, after the words "in their own," to insert "or any other;" but we still propose it for consideration, whether it will be expedient to either party to disarm itself entirely of the power of retaliating on any particular nation which may restrain the loading of vessels to articles of the growth or manufacture of the country to

which they belong. Circumstances may be produced which would render the retaliation essential to the honor and interests of the parties. We therefore propose, after the words "reserve to themselves the right," in the amendment before agreed to, to insert these: "where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations, and also the right."

This fourth article, with the several amendments which we have proposed or agreed to, will stand thus: More especially each party shall have a right to carry their own produce in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take the produce, manufactures, and merchandize of the other, which all persons shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only as are or shall be paid by the most favored nation. *Nevertheless, the King of Prussia and the United States, and each of them, reserves to themselves the right where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of State shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty; nor shall this article derogate from the laws of the city of Königsberg, which forbid traffic between foreigners within the limits of their jurisdiction.*

ARTICLE V. We agree that the fifth article shall stand in the form proposed, to wit: "The merchants, commanders of vessels, or other subjects or citizens of either party shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor wait for their being loaded longer than they please."

ARTICLE VIII. Agreed to omit the words, "and without being obliged to pay any duties, charges, or fees whatsoever, or to render

‘any account of their cargo ;’ and to substitute those proposed, to wit: “And without being obliged to render any account of their ‘cargo, or to pay any duties, charges, or fees whatsoever, except ‘those established for vessels entered into port, and appropriated to ‘the maintenance of the port itself, or of other establishments for the ‘safety and convenience of navigators, which duties, charges, and ‘fees shall be the same, and shall be paid on the same footing as in ‘the case of subjects or citizens of the country where they are ‘established.”

ARTICLE IX. We agree to the amendment proposed by adding to this article the words: “The ancient and barbarous right to wrecks ‘of the sea shall be entirely abolished with respect to the two ‘contracting parties.”

ARTICLE X. By the laws of the United States, copied in this instance from those of England, aliens are incapable of holding real estate. When an estate of that nature descends to an alien, it passes on by escheat to the State; the policy of the United States does not permit the giving to the subjects of any other Power a capacity to hold lands within their limits, which was proposed by the project formerly delivered to Mr. Adams. But they are perfectly willing to relieve such persons from all loss on this account, by permitting them to sell the inheritance and withdraw the proceeds without any detraction. Again, though with them it is a fundamental principle that every man has a natural right to quit the country in which either chance or choice has placed him, and to become a member of any other where he thinks he can be happier, and the laws of some of them direct the particular form in which it is to be done, and therefore these States can pass no law to prevent the emigration of their fellow-citizens—yet they will respect the principles of other Governments where the practice is different. We consent, therefore, to add to the end of this clause, from the eighth of the project, these words: “And exempt from all rights of detraction on the part ‘of the government of the respective States; but this article shall not ‘derogate in any manner from the force of the laws already published, ‘or hereafter to be published, by his Majesty the King of Prussia, ‘to prevent the emigration of his subjects.”

ARTICLE XII. Agreed to omit the clause: “On the other hand, enemy vessels shall make enemy goods,” and to the end of the article, and to leave that question undecided.

ARTICLE XIII. The stipulation "to pay a reasonable compensation for the loss such arrest shall occasion to the proprietors," is not so determinate as to save the necessity of a future arrangement. It was thought questionable whether any mode which might now be thought of might not, by a change of circumstance before the case should arise, become incapable, and that arrangements would then be easily and amicably taken for doing justice to the individuals interested. We are ready, however, to receive a proposition for defining the mode at this time. We agree, also, to the addition proposed to this clause, to wit: "But in the case supposed of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

ARTICLE XIX. A clause in the treaty with France, the first the United States ever entered into, renders necessary the exceptions subjoined to this article. It has not been repeated, nor is proposed to be repeated in any subsequent treaty. If any antecedent treaties would require a like exception on the part of his Prussian Majesty, we shall cheerfully concur in its insertion, the case being either particularly specified or generally described. The practice of carrying prizes into neutral ports and there selling them is admitted by the usage of nations, and can give offence to none who have not guarded against it by particular contract. Were the clause now under consideration to be so changed as to exclude the prizes made on the enemies of either from being sold in the ports of the other, and that kind of stipulation to take place generally, it would operate very injuriously against the United States in cases wherein it is not presumed his Majesty would wish it. For, suppose them to be hereafter in war with any Power in Europe—their enemy, though excluded from the ports of every other State, will yet have their own ports at hand into which they may carry and sell the prizes they shall make on the United States; but the United States, under a like general exclusion, having no ports of their own in Europe, their prizes in these seas must be hazarded across the ocean to seek a market at home, an incumbrance which would cripple all their efforts on that element, and give to their enemies great advantage over them.

ARTICLE XXI. Agreed to add as proposed—"but by the judicatures of the place into which the prize shall be conducted."

ARTICLE XXV. Agreed to as proposed—"but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place."

Upon the whole it will be seen that we accommodate ourselves to the amendments proposed to the 2d, 3d, 5th, 8th, 9th, 10th, 12th, 13th, 21st, and 25th articles; that we agree to the amendments proposed to the 4th article with certain qualifications; and we cannot but hope that the 4th and 19th articles, so amended and qualified, may be permitted to stand.

We have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, February 11, 1785.

Gentlemen,

The letter you have done me the honor to write to me in the month of January without date, reached me a few days ago. I have transmitted to the King the offer to establish the ports of Embden and Stettin as free ports, and I am waiting for the orders of his Majesty, which orders, when received, I will hasten to communicate to you. The counter project also which follows my letter of January 24th must have reached you, and I have hopes of seeing the work, which has been the object of our mutual cares, consolidated.

I have the honor to be, &c.,

DE THULEMEIER.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, March 4, 1785.

Gentlemen,

The orders of the King, with which I am at present furnished, have enabled me to answer more fully the last letter you have done

me the honor to write to me, and the reception of which I have advised you, by my letter of February 11th. His Majesty thinks that the establishing of one or two free ports would be absolutely useless, agreeably to the correct remark made by the American Plenipotentiaries, that the second and third articles of the counter project grant to both nations reciprocally, in all the ports where they wish to trade, all the advantages enjoyed by the most favored nations. This observation has put an end to the question, inasmuch as the intentions of the King are in no way to limit the commerce of the citizens of the United States to any particular ports. In case, however, that the establishment of a free port should appear to be of some utility, it might be complied with without much difficulty in regard to Embden, but a similar concession for the port of Stettin would be objected to for several reasons. The letter of the Plenipotentiaries having been written before the receipt of the observations on the last counter project, accompanied by my letter of January 24th of the present year, it is to be presumed that any further explanations would appear useless. I flatter myself, gentlemen, that the first letter which I shall have the honor to receive from you, will facilitate the means of giving, in concert with you, the desired stability to the negotiation which is the object of our mutual cares. The success of this transaction will answer my wishes as well as the common interest of both our nations.

I have the honor to be, &c.,

DE THULEMEIER.

FROM THE POPE'S NUNCIO TO THE COMMISSIONERS.

Translation.

Paris, December 15, 1785.

Gentlemen,

I have made known to my Court the proposal contained in the letter you have done me the honor to write the 22d September last, his Holiness, considering no less the convenience of your proposition, than that the right of the Roman Catholic inhabitants and citizens of the United States shall be maintained, orders me to declare to you that all vessels under the flag of the United States, which shall enter the ports of Civita Vecchia, in the Mediterranean, and Ancona, in the Adriatic, shall meet there with the best reception that can be desired ;

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provided that the vessels and property of the subjects of the Holy See shall, reciprocally, be treated in the same manner in the ports of the United States. I must add to this declaration, by an express order of his Holiness, that the citizens of the United States shall find, in the abovementioned ports of his dominion, a person appointed to give them every assistance which they may want.

I am happy to declare to you these intentions of my Court, which cannot but be agreeable to the United States of America.

I have the honor to be, &c.,

ARCHBISHOP OF SELUCIE.



FROM JOHN JAY TO THE COMMISSIONERS.

Office for Foreign Affairs, New York, January 14, 1785.

Gentlemen,

On the 21st ultimo I accepted the place of Secretary for Foreign Affairs. All the foreign letters which had been received during the recess of Congress were then, and are still, in the hands of a committee to whom they had been referred. None have since arrived.

The adjournment from Trenton to this place necessarily occasioned delay in business. Congress yesterday made a House, and I expect some of these more important measures will soon be matured.

By the next opportunity, I flatter myself with having the pleasure of writing to you more particularly. Judges are nominated, and will doubtless be appointed, to decide the interfering claims of Massachusetts and New York. Advices, just received, give reason to apprehend an attack of the Cherokees on Kentucky, a settlement which increases with a degree of rapidity scarcely credible. It is rumored, but not ascertained, that the Spaniards encourage them.

I have the honor to be, &c.,

JOHN JAY.



FOURTH REPORT OF THE COMMISSIONERS TO CONGRESS, ADDRESSED
TO JOHN JAY, SECRETARY FOR FOREIGN AFFAIRS.

Paris, March 18, 1785.

Sir,

We received, by the last packet, the favor of your letter of January 14th, in which we have the agreeable information of your

having accepted the appointment of Secretary for Foreign Affairs. Besides the general interest we feel in this event as members of the Union which is to be availed of your services, we are particularly happy that a channel of communication is opened for us with Congress, in whose justice and abilities we so perfectly confide.

In our letter by the February packet, which we addressed to his Excellency the President of Congress, we had the honor of transmitting the state of our transactions intervening between the date of that and of our preceding letter. We now beg leave, through you, to inform them of our progress since the last period.

No. 1, is a letter from the Pope's Nuncio at this Court, which, though dated at this place the 15th December, 1784, was not delivered to us till late in February, we consider it as definitive of our commission to the Holy See, unless new instructions or circumstances should render a further proceeding under it proper.

No. 2, from the *Chargé d'Affaires* of Tuscany here, came also to hand after the closing of our letter by the last packet.

From Baron de Thulemeier, Prussian Minister at the Hague, we have received the enclosed letter, No. 3, covering a French translation of the draft of a treaty which we had proposed through him to the Court of Berlin, as formerly reported to Congress, with observations on the several parts of it. This paper is numbered 4, and has been answered by our letter, of which No. 5 is a copy.

We have also received from the Baron de Thulemeier, the letters No. 6 and 7, in answer to ours (formerly communicated to Congress) on the subjects of the free ports within the territories of his Sovereign.

In consequence of a letter written by Mr. Adams to Mr. Dumas, praying his enquiries and information as to the presents, whether periodical or occasional, made by the United Netherlands to the several piratical States, he has favored us with the enclosed authentic information, marked No. 8. We learn, from public papers, that the Republic of Venice pays, annually, to Tripoli a tribute of three thousand five hundred sequins.* From a comparison of the strength of this with that of the other piratical States, some grounds are furnished for conjecturing what is paid by them to the others when in peace with them. We have promises of some further information on the subject of these tributes, which the envy or pride of nations

* The sequin of Venice is \$2 40.

endeavors to cover under mystery. The sum of them will serve to form a judgment of the contributions which will be required from us.

With great respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM WILLIAM CARMICHAEL TO BENJAMIN FRANKLIN.

Madrid, February 27, 1784.

Dear Sir,

I have delayed writing to your Excellency in expectation of having it in my power to advise you that the unfortunate Mr. Hartwell would be entirely extricated from the situation to which, however, as you will see by the enclosed papers, his imprudence exposed him. Much about the time I received your letter respecting his confinement at Logrono, one written to me from Bordeaux gave me the same information. I immediately wrote to Bilboa to obtain a circumstantial account of the abovementioned gentleman, but not receiving in course of post an answer to my letters, I made use of that of your Excellency, in an office I passed, to his Excellency the Count de Florida Blanca, reclaiming his liberty and the restitution of his property. The annexed, No. 1, is a copy of the answer thereto. Your Excellency will perceive, by its contents, that some time must elapse, owing to the forms established by the tribunal of inquisition, before the prisoner could receive any material benefit from my application, and in consequence, although I frequently pressed despatch in an affair which affected the liberty and interests of a countryman, I did not receive further advice from the Minister until the 2d of last month. No. 2 is a copy of the Count de Florida Blanca's letter, in the interval between the reception of the abovementioned letters. The enclosed, No. 3, was sent me without signature by a person at Bilboa, whom I know to be connected with Mr. Hartwell. On receiving the answer of the Court, No. 2, I wrote Mr. Hartwell to know what I could do further for his service. I have lately received a letter from him requesting me to procure him entire liberty. The Count de Florida Blanca will readily grant his request, on condition that he will leave Spain. The condition is not made by the Minister, but by the Confessor and Inquisitor

General. The altercation which the case of Mr. Hartwell has occasioned between the Count de Florida Blanca and the two latter will give a great shock to the power of the Inquisition, as I am assured that the tribunal will be restricted in future from passing sentence on any grandee of Spain, on all persons employed in the councils, in the army, navy, &c., or on any foreigner, until the process has been submitted to his Majesty, that is to his Minister.

In the month of November I received advice from Cadiz of the capture of an American vessel by a corsair of the Emperor of Morocco. I was also informed you had been applied to on the same subject. I immediately requested the *Chargé d'Affaires* of France, agreeably to the 8th article of our treaty, to write to the Consul of his nation to employ his good offices to procure the liberation of the vessel and crew, and endeavor to induce the Emperor to suspend further hostilities until Congress have time to take such measures as they might judge proper, to produce a good understanding between the two countries. I also prevailed on the Ambassador of Holland, the Minister of Sweden, and the *Chargé d'Affaires* of Denmark, to write to their respective Consuls for the same purpose. Finding, by letters I received from the seaports of this kingdom, that the merchants were under the greatest apprehensions for vessels expected from America, I took occasion to insinuate to the Count de Florida Blanca how agreeable it would be to the people of America to learn that his C. M. had interposed his interference on a subject of such importance to their commercial interests, that not being authorized, I could not officially request it, but that, animated by a sincere desire to promote good understanding between the two countries, I could not let slip the occasion of giving his Excellency an opportunity of exerting his influence with his Majesty to render a service, which could not but be productive of the happiest consequences. That Minister, with much apparent candor, assured me of his readiness to serve us on this occasion, but seemed to think it requisite that I should write to him on the subject. This I did, and No. 4 is the copy of his answer. The enclosed copies of letters which I have received from Barbary will show your Excellency the situation in which this affair remains.

I lately received letters from Robert Morris, Esq., containing a letter from the President of the Committee of the States, and copies of letters from Mr. Pollock and others at the Havana, complaining

of the cruelty and injustice of the Spanish Government. I immediately laid these complaints before the Minister, and have obtained orders to render justice to the parties aggrieved.

The Governor will be reprimanded by the King's direction. I have not yet received these assurances in writing, but have been promised an answer to my office in time for the March packet. I meant to have written more fully to your Excellency, but as the person to whose care I commit this is only waiting for my letters, I must conclude with praying you to make the proper compliments for me to Messrs. Adams and Jefferson, to the Marquis de la Fayette, and my namesake, and believe me, with much respect and affection, &c.,

WM. CARMICHAEL.



REPORT OF JOHN ADAMS TO THE OTHER MINISTERS.

Auteuil, March 20, 1785.

Gentlemen,

According to your desire, I went early this morning to Versailles, and finding the Count de Vergennes unembarrassed with company, and only attended by his private secretaries, I soon obtained the honor of a conference, in which I told him that my colleagues were very sorry that indisposition necessarily prevented their paying their respects to him in person, and obliged them to request me alone to wait on him and ask his advice upon a thorny question we had with the Barbary Powers. He asked what it was, and I put into his hand all the letters upon the subject, in French, Spanish, Italian, and English, all of which he read very attentively, and observed that it was obvious what was wanted, and what had piqued the Emperor of Morocco, viz: that Congress had not written to him, nor sent him a Consul with the customary presents, for that he was the most interested man in the world, and the most greedy of money. He asked whether we had written to Congress and obtained their instructions? I answered that we had full powers to treat with Morocco, Algiers, Tunis, Tripoli, and the rest, but that it was impossible for us to go there, and that we had not a power of substitution. He said then we should write to the Emperor. I asked if he would do us the favor to convey a letter for us through the French

Consul? He said he could not do this himself, because it was not in his department, but if we would make an office of it, he would communicate it to the Marshal de Castries, and return us his answer.

I told him that, in looking over the treaties between the several Christian Powers and the Barbary States, we found that the treaty between the Crown of France and Algiers, of the 25th of April, 1684, was expired, or near expiring, and we were desirous of knowing (if the question was not indiscreet) whether it had been renewed. He smiled upon this, and said it was true their treaty was upon the point of expiring, but he could not tell me whether it were renewed, as it was not in his department, but if we should insert this inquiry in our office, he would endeavor to obtain the Marshal de Castries's answer.

I told him, that in order to lay before Congress all the information we could, and to enable them to judge the better what other orders to give us, or what other course to take, we had obtained authentic information from Mr. Bisdon and Mr. Vander Hope concerning the presents annually given by their High Mightinesses, and that we should be very glad to know (if it was not improper) what was the annual amount of the presents made by his Majesty to each of those States, and in what articles they consisted. He said the King never sent them any naval or military stores, but he sent them glasses and other things of value; but that as it was not in his department, he could not give me particular information, but that we might put this into our office with the other things.

I asked if there was not a considerable trade and frequent intercourse between parts of this Kingdom and the coast of Barbary. He said there was from Marseilles and the other ports upon the Mediterranean, but he thought if we had presents to send, it would be more convenient to send them from Cadiz.

I then asked the favor of his advice, whether, in our letter to the Emperor of Morocco, we should leave it to his option to send a Minister to treat with us here, or to wait until we could write to Congress and to recommend to them to send a Consul. He said he would by no means advise us to invite the Emperor to send a Minister here to treat with us, because we must maintain him here and bear all the expenses of his voyages and journeys, which would be much more costly than for Congress to send a Consul.

But the Count concluded the whole conference by observing that everything relative to this business was out of his department, and that we must state to him in writing all we desired to know or to have done, and he would convey it to the Minister of Marine, and communicate to us his answer, and that we might depend upon it that whenever we thought proper to make any office to him, it should be carefully attended to.

He added very particular inquiries concerning the health of Dr. Franklin and Mr. Jefferson, which I answered to the best of my knowledge, and took my leave.

With great respect, &c.,

JOHN ADAMS.



FROM THE COMMISSIONERS TO THE COUNT DE VERGENNES.

Passy, March 28, 1786.

Sir,

We have the honor to enclose an extract of a letter from the Commissioners of the United States of America to your Excellency, dated August 28, 1778, a copy of your Excellency's answer, dated 27th September, 1778, and a copy of M. de Sartine's letter to your Excellency, of the 21st September, 1778, all relative to a proposed negotiation with the States of Barbary. Not having any particular authority or instructions from Congress at that time to treat with those States, the Commissioners desisted from any further pursuit of the negotiation until Congress should have an opportunity to deliberate and decide upon it. We are now able to inform your Excellency that we have received from the United States in Congress assembled special full powers to treat with each of the Powers of Barbary, Morocco, Algiers, Tunis, Tripoli, and the rest, and we have lately received authentic information that one of those Powers at least, the Emperor of Morocco, has commenced hostilities against the United States, by the capture of a vessel belonging to Philadelphia by one of his frigates, which has spread an alarm among the American merchants and mariners, raised the price of insurance, and made it necessary for us to do all in our power to prevent the further progress of the war, as well as to procure the liberation of our countrymen who are made prisoners. As it is impossible for us to go to Morocco, and we have no power of substitution, we can do no more than write

a letter to the Emperor, and either invite him to send a Minister or authorize his Consul in France to treat with us here, or to carry on the negotiation in writing at this distance, through the French Consul at Morocco, or propose to him to wait until we can write to America, and Congress can send a Consul to the Emperor.

We therefore request the honor of your Excellency's advice, which of these measures is the most eligible, and whether your Excellency, or the Minister in whose department it is, would do us the favor to transmit a letter from us to the Emperor, through the French Consul.

Looking over several treaties between Christian Powers and the Barbary States, we find that the treaty between the Crown of France and Algiers, of April, 1684, is upon the point of expiring; and we are desirous of knowing (if it is not improper that we should inquire) whether this treaty is or is not likely to be renewed; because, if there is a probability of a war, Congress would probably prefer joining in the war, rather than to treat with nations who so barbarously and inhumanly commence hostilities against others who have done them no injury.

In order to lay before Congress all the information necessary to enable them to judge what is best for them to do, we have obtained from Holland a certain account of the presents given annually and occasionally by the States General to the Barbary Powers, and have taken measures, which promise success, for procuring similar intelligence from other Christian States, and, if there is no impropriety in the request, we should desire to be informed what is the annual amount of the presents given by France to each of those States, and in what articles they usually consist.

We have the further honor to propose to your Excellency, that his Majesty's good offices and interposition may be employed with the Emperor, in order to provide, as fully as possible, for the convenience and safety of those inhabitants of the United States, their vessels and effects, who are now, or may hereafter be, in captivity in Morocco, according to the tenor of the eighth article of the treaty of commerce.

With the highest respect, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

[The three following papers, alluded to in the beginning of the preceding letter, are inserted here, because they serve to shew in one point of view all the transactions respecting the Barbary Powers, and because they were made use of on the present occasion, as the basis for recommencing a correspondence on the subject with the Court of Versailles.]

Extract of a Letter from the Commissioners of the United States of America to M. le Comte de Vergennes, dated Passy, August 28, 1778.

By the eighth article of the treaty of commerce, his Majesty has engaged to employ his good offices and interposition with the Emperor of Morocco, and the Regencies of Algiers, Tunis, Tripoli, and the other Powers on the coast of Barbary, in order to provide, as fully as possible, for the convenience and safety of the inhabitants of the United States, and their vessels and effects, against all violence, insult, attacks, or depredations on the part of the said Princes and States of Barbary and their subjects.

We have received information that there are already American vessels in Italy desirous of returning home; and that there are merchants in Italy desirous of entering into the American trade, but that an apprehension of danger from the corsairs of Barbary is a discouragement. We therefore request your Excellency's attention to this case, and such assistance from his Majesty's good offices as was intended by the treaty.

FROM COUNT DE VERGENNES TO THE COMMISSIONERS.

Translation.

Versailles, September 27, 1778.

Gentlemen,

In the letter which you did me the honor to write to me the 20th of last month, you recall the promise which the King made in the eighth article of the treaty of friendship and commerce, signed the 6th February last, to employ his good offices with the Regencies of Barbary to procure for the subjects of the United States every security in the Mediterranean for their commerce and navigation. I have communicated your request to M. de Sartine, to whose depart-

ment this subject belongs, and you will find by this Minister's answer, a copy of which you have enclosed, that he thinks it well founded. But before the orders of the King are taken in this respect, he requires several *eclaircissements*.

I request of you, gentlemen, to address them to me, and to be beforehand assured that the King will very willingly do whatever is in his power to satisfy the United States, and to render their wishes approved of by the Princes of Barbary.

I have the honor to be, &c.,

DE VERGENNES.

FROM M. DE SARTINE TO M. THE COUNT DE VERGENNES.

Translation.

Versailles, September 21, 1778.

Sir,

I have received the letter you did me the honor to write to me the 5th of this month to inform me of the commission which the deputies of the United States of North America have given you, for the purpose of engaging the King to take the necessary measures with the Regencies of Barbary to fulfil the engagements which he has made in the fifth article of the treaty of the 6th of February of this year. I have examined this article, and find that the King has promised to employ his good offices with the King of Morocco and the Princes of Barbary, to provide as extensively as possible for the advantage, convenience, and security of the subjects of the United States, and their vessels and cargoes, against all violence, insult, attack, or depredation from the Barbarian Princes and their subjects.

After these engagements, it seems to me proper to think of the means to realize them, notwithstanding all the difficulties which appear to be in the way. But before the plan we may adopt is presented to the King, it appears necessary to be assured of the true inclinations of the United States of North America, and those steps they desire to be taken on the part of France.

Are the United States of America determined to conclude treaties with the Princes of Barbary, or do they only wish that we should employ our good offices to make their flag respected by the Powers of Africa? This last matter we can never obtain, or if by chance

we should procure from some of them the privilege of trade for the United States, their permission would be but deceitful, momentary, and very precarious; and it would undoubtedly expose us, without being of the least service to the subjects of the United States. The Algerines particularly would never respect the flag of the United States, without they received considerable advantages. You know too well, sir, the character of the barbarians, and the policy of their Government, not to see the inutility and dangerous consequences of such an overture.

It would be less difficult, perhaps, to engage them to acknowledge the independence of the United States of North America, and to conclude treaties with this new Power. It is necessary first to know what may be the instructions of the deputies of Congress, and whether they are authorized to enter into negotiations with the Princes of Africa, through the interposition of France. If Congress has this design, I can then take the orders of the King to give his deputies instructions how to enter upon a negotiation with the Sovereigns of Barbary; and we, sir, can concert measures that may be effectually employed to obtain the end proposed, without hazarding our own interests for those of the United States. This negotiation will be long and difficult, but I will neglect nothing to secure its success, if the Congress is determined on it, and you think that the "King is engaged to favor it." I shall wait your answer before I make any overture.

I have the honor to be, &c.,

SARTINE.



FROM THE COUNT DE VERGENNES TO THE COMMISSIONERS.

Translation.

Versailles, April 28, 1784.

Gentlemen,

I have communicated to M. Marshal de Castries all the papers which you have done me the honor to address to me respecting the Barbary Regencies, and I cannot do better than send you a copy herewith of the answers which this Minister made to me on this subject.

I have the honor, gentlemen, to be, &c.,

DE VERGENNES.

Copy of the Letter from M. Marshal de Castries to the Count de Vergennes at Versailles.

Translation.

April 24, 1785.

Sir,

I have received the letter which you did me the honor to write the 21st instant, and the different pieces which accompanied it.

I have perused them with attention, and I hasten to let you know, as you desire, my opinions on the questions proposed by the American Ministers.

I begin by informing you that about three weeks since they have been furnished with extensive instructions of the contributions and presents of the Christian Powers, and of the value and species of those which France has made them for purposes of State. It remains for Congress to judge whether a good understanding with the Barbarians is worth the sacrifice, without which it would be superfluous to pretend to it. Should they happen to obtain it from the King of Morocco and the Regency of Algiers, Tunis and Tripoli would easily follow their example, and certainly at less expense.

The particular affair which they have had with Morocco seems to invite them to begin with that Power; and, of the three modes which they propose, I only think the last advisable.

The King of Morocco supports no authorized Consul in France; and besides his pretensions to being sought after, I doubt whether he would consent to send a Minister to meet those of the United States. This proceeding would be inefficacious, and the agent would not have sufficient power to conclude a treaty or a solid arrangement. The same would be the consequence of a negotiation carried on by writing. It remains, then, to propose to the King of Morocco to wait until they can have advised Congress to send him a Consul. I will willingly charge myself with the care of forwarding their letter to this Prince; and the officer of the King shall have orders to render every service in his power to the American prisoners until the negotiation shall actually be set on foot. Whenever the thirteen United States shall have entered thereon, they may rely on the interposition and assistance of his Majesty's Consul. I see, with pleasure, that they have already procured those of his Catholic Majesty, whose powerful influence will be infinitely useful to them.

When our treaty with Algiers shall expire, we shall desire to renew it, and even may flatter ourselves to be able to do it without any difficulty. But should any occur that must be surmounted, the King is accustomed to use no foreign interventions to establish or preserve the good understanding which it suits him to maintain with the Barbary Powers.

As to the rest, sir, you can assure the American Ministers that they will always find the King inclined to favor their negotiations with these States; and on all occasions to assist them with his cares and offices, which he would render them, though he were not engaged by the convention they claim. But, at the same time, it is necessary that they adopt measures of similar execution.

I hope, sir, that I have precisely answered all the points of the letter which Messrs. Adams, Franklin, and Jefferson have written to you, and to every thing essential contained in the pieces which accompanied it.

I have the honor to send you the originals, &c.,

DE CASTRIES.



FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

Paris, March 26, 1785.

Gentlemen,

Having communicated to my Court the readiness you expressed in your letter to me of the 9th of December, to remove to London, for the purpose of treating upon such points as may materially concern the interests, both political and commercial, of Great Britain and America; and having, at the same time, represented that you declared yourselves to be fully authorized and empowered to negotiate, I have been, in answer thereto, instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested, whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. A committee of North American merchants have waited upon his Majesty's principal Secretary of State for Foreign Affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of Congress could avail in any respect, where the interests of any one individual State was

even concerned, and particularly so where the concerns of that particular State might be supposed to militate against such resolutions as Congress might think proper to adopt.

The apparent determination of the respective States to regulate their own separate interests, renders it absolutely necessary towards forming a permanent system of commerce, that my Court should be informed how far the Commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual.

I have the honor to be, &c.,

DORSET.

FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, near Paris, May 16, 1785.

My Lord Duke,

We received, in due time, the letter which your Grace did us the honor to write us on the 26th day of March last, and have delayed the acknowledgment of it, in expectation of the arrival of the packets, by which we hoped for further instructions from Congress.

We have now the honor to inform your Grace that Congress, on the 24th day of February last, appointed a Minister Plenipotentiary to reside at the Court of his Britannic Majesty, who proposes to proceed to London in the course of two or three weeks; which makes a more particular answer unnecessary.

We have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FIFTH REPORT OF THE COMMISSIONERS TO CONGRESS, ADDRESSED
TO JOHN JAY, SECRETARY FOR FOREIGN AFFAIRS.

Paris, April 13, 1785.

Sir,

Our letter to you the 18th day of March, with those preceding, which we had addressed to the President of Congress, have conveyed exact details of our transactions till that time. Since the making of that despatch the following proceedings have taken place.

The letter, No. 1, from Mr. Carmichael to Dr. Franklin, dated February 27th, 1784, (instead of 1785,) will apprise you that there

is a prospect of Mr. Hartwell's regaining his liberty and property, though not without some delay and probably some loss.

The same letter will inform you of Mr. Carmichael's proceedings in the case of the brig *Betsy*, taken by the Emperor of Morocco, and the papers which accompanied that letter, marked No. 1 a, b, c, d, e, f, g, will show the process in that business to the 15th of January last, and a subsequent communication from Mr. Carmichael, marked No. 2, being a letter from the Count de Florida Blanca to him, dated March 16th, 1785, will show its situation at that time.

With this last Mr. Carmichael also sent us the papers, No. 3, a and b, the first being a letter from a spy employed by the Spanish Court, a holy father of the order of Redemption of Captives, and the second a statement made out by the Algerines from February 1st, 1777, to September 8th, 1783, the revolution it underwent during that period, the number of cruizes they made, prizes they took, and the nations from whom taken. While these give a smaller idea than had been entertained of this, the most formidable of the piratical States, the following papers, marked No. 4 a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, will show that the price of their peace is higher than the information heretofore communicated had given us reason to expect. The paper, No. 4 a, is a letter from the Marquis de la Fayette, to whose means of access to the depositories of this species of information, and his zeal for the service of the United States, we are indebted for the intelligence it contained, as well as for the report No. 4 b, and the details, No. 4 c, d, e, f, g, h, i, j, k, l, m, n, o, p, q. From these it will appear that Powers which, like France and England, can combine the terror of a great naval force, with the persuasive of pecuniary tribute, yet give occasionally as far as fifteen thousand guineas to Morocco, which holds but the second rank amongst these States. This information is still very incomplete, giving only a view of detached parts of the transactions between the European and African Powers, it will contribute, however, with what we have formerly laid before Congress, to enable them to form some estimate of what will be required from a people possessing so weak a navy and so rich a commerce as we do. These rovers will calculate the worth of the prizes they may expect to take from us in the Mediterranean and in the Atlantic, and making some allowance for the expense and losses they will incur in these enterprises, they will adjust their demand by the result, regarding little the representations we may make of our

poverty. They count highly, too, among the motives which will induce us to give a good price, the horrors we feel on the idea of our countrymen being reduced to slavery by them. Some of the European merchants, and perhaps Consuls resident with them, will, probably, not be backward in supplying their want of knowledge as to the extent and nature of our commerce and the degree of protection we are able to afford it. We have been many days in expectation of the arrival of the French packet, which should have sailed from New York the middle of February, having been informed that as early as December Congress had referred sundry foreign affairs to the consideration of a committee, and that the packet arrived at New York, January 17, which conveyed our letter of November, with a detail of the situation in which their business was on this side the Atlantic. We hope that the packet sailing a month afterwards, and now expected here, will bring us further instructions. In the meantime, the situation of our trade rendered it necessary to admit as little delay as possible with the Barbary Powers. We therefore thought it best to put that business into train. For this purpose we resumed a correspondence which had formerly taken place between the American Commissioners and this Court, copies of which are herewith given in the papers marked No. 5 a, b, &c. The want of money and of powers had discontinued this correspondence. We thought it a proper ground, however, whereon to found applications to this Court for their aid in the treaties which may now be proposed. Mr. Adams accordingly waited on the Count de Vergennes, with copies of that correspondence, (his colleagues being prevented by indisposition from accompanying him on that occasion.) No. 5 is his report of what passed, and No. 5 a, e, copy of the letter we addressed to the Count de Vergennes, according to his desire. To this no answer has as yet been received. We propose to make no actual overtures to the Barbary States till the arrival of the packet now expected, which we suppose will convey us the ultimate will of Congress on this subject.

A similar expectation of new information and instructions from Congress as to our affairs with the British Court, suspend, till the arrival of this packet, our taking any measures in consequence of the enclosed letter, No. 6, from the Duke of Dorset, the British Ambassador at this Court. That their definitive answer must be required as to the articles in our instructions, distinct from the treaty of

commerce, admits of no question ; but as to the doubts they pretend, and the information they ask, with respect to the powers of Congress, we do not decide what we shall say or do till we see whether we receive by this conveyance any new instructions.

We have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Paris, August 26, 1785.

Gentlemen,

The project of a treaty, which you did me the honor to address to me, in the month of last December, and which you proposed to his Royal Highness, my Lord the Archduke, Grand Duke of Tuscany, my master, was too conformable to his principles not to be acceded to.

This Prince, after having had it under his consideration, has determined to accept it ; and it is by his order that I have the honor to communicate to you the accompanying translation. There are some amendments which do not change the substance of the convention, but which local circumstances, and the regulations of the country, which all nations must respect, render indispensable. You will see, gentlemen, that the citizens of the United States of America will be treated in every case at Leghorn as the most favored nation, and that they will consequently enjoy all the advantages which are granted to others. We ask the same conditions and reciprocity for Tuscany. Thus a basis of a treaty could not be adopted on a more perfect equality than this.

I have the honor to be, &c.,

FAVI,
Chargé d'Affaires of Tuscany.



FROM BARON THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, May 3, 1785.

Gentlemen,

The orders of the King, which I have just received, enable me to give you the explanations you required of me in the letter you have

done me the honor to write, bearing date March 14th of the present year. His Majesty approves the 19th article as it was last drawn up; "That armed vessels of either of the two nations will be allowed to enter, with the prizes taken from their enemies, into the ports of the other, to depart freely or sell them there."

He flatters himself that the United States will appreciate this condescension, and will perceive the desire of his Majesty to give them proofs of friendship, inasmuch as he does not equip cruising vessels, and that consequently his subjects are not enabled to make prizes at sea.

His Majesty is also willing to let the clause added to the 19th article remain: "That no vessels which shall have made prizes on the subjects of his most Christian Majesty, shall find an asylum in the ports or havens of the United States."

His Majesty consents also that the 4th article may be drawn up as it is proposed to me by the American Plenipotentiaries, in the letter abovementioned, except that the words *subjects* and *citizens*, which are found in the counter-project, may be restored in lieu of the words *persons* or of *each and every one*; and that the following passage will be omitted: "That the present article shall not work to the disadvantage of the laws of the city of Königsberg, which prohibit commerce between foreigners within its jurisdiction;" the transit duty of the city of Königsberg having only been quoted to illustrate and to show the necessity of the general clause of the 2d and 3d articles, it being, nevertheless, submitted to the laws and usages established there.

I congratulate myself, gentlemen, that I may consider the negotiation, for which I have had the honor to treat with you, as nearly ended. The United States of America will certainly consider the readiness with which the King has yielded to the different alterations of the projected treaty of commerce, as an additional motive to protect and favor the trade and ties which the subjects of his Majesty may form with the citizens of the Republic.

It only remains with me, gentlemen, to submit to you whether it would not be proper to cause the treaty to be transcribed, so that after being signed by us, it may be exchanged with the usual forms, according to our powers.

I have the honor to be, &c.,

DE THULEMEIER.

FROM THE COMMISSIONERS TO BARON THULEMEIER.

Passy, May 26, 1785.

Sir,

We received the letter you did us the honor of writing to us the 3d instant, and are happy to find that all points of the proposed treaty being, through the King's goodness and condescension, now agreed, nothing remains but to transcribe it fairly, and to sign and exchange the copies, according to our powers and the usual forms. But the signature of at least two of our number being necessary, and Mr. Adams being called away by his mission to the Court of Great Britain, and another of us rendered unable, by age and a painful malady, to perform a land journey, there is difficulty in meeting with your Excellency for the purpose, either at any intermediate place, or at that of your residence, (which, in respect to the King, we might otherwise willingly do,) we, therefore, propose it for your consideration, whether, though not usual, the act would not be equally valid if, in case it should not suit you to come to Paris, (where, however, we should be glad to see you,) we were to sign separately the instruments, dating our respective signatures with time and place, and exchanging them by some confidential person who might deliver to you that which shall be signed by us, to be there signed and kept by you, and receive that signed by you, which we can afterwards sign here. We request your opinion and determination, and are, with great respect, sir, &c.,

B. FRANKLIN,
THOS. JEFFERSON.

P. S. We have the honor to enclose a copy of the treaty as we understand it to be settled, and to propose that the blank in the last article for its continuance shall be filled up with the number *ten*.

—O—

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, June 17, 1785.

Gentlemen,

I received, on the 4th instant, the letter you have honored me with, bearing date May 26th. My first care has been to cause the annexed treaty to be translated into the English language, and to

transmit it to my Court. The King will certainly learn with much satisfaction that the negotiation which has been confided to us has reached such a point that there is nothing left to be done but to cause the treaty to be engrossed in the usual form. If you are willing, gentlemen, the exchange which you propose to be made by a confidential person might, in consideration of the distance between your actual residence and that of Mr. Adams and mine, be made at the Hague by Mr. Dumas, Chargé d'Affaires of the United States of America.

I have communicated this to the King, and have besides this informed his Majesty that you proposed, gentlemen, to fix the duration of the treaty to the term of ten years. I anticipate for your country and mine many lasting advantages from these new commercial ties, established on the basis of reciprocal duties and perfect equality. I should have desired to be able to assure you verbally that I never will cease to be, with sentiments of high consideration, &c.,

DE THULEMEIER.



SIXTH REPORT TO CONGRESS, ADDRESSED TO JOHN JAY, SECRETARY
FOR FOREIGN AFFAIRS.

Paris, May 11, 1785.

Sir,

Our last letter to you was dated April 13th, 1785, and went by the packet of that month from L'Orient. Since that date the letter No. 1 a, directed to Dr. Franklin, enclosing those marked No. 1 b, &c., and also the paper No. 2, have come to hand. These relate to supplies furnished by Mr. Harrison to the crew of the ship *Betsy*, taken by the Emperor of Morocco, on which subject Congress will be pleased to make known their pleasure to Mr. Harrison or Mr. Carmichael. They relate, further, to the general affairs of the Barbary States. A letter from the Marshal de Castries, forwarded to us by the Count de Vergennes, as marked No. 3 a, b, will shew the opinion of that Minister on the best method of conducting a treaty with those States, as we are yet uninstructed from what sources to call for the moneys necessary for conducting and concluding treaties with them, and no steps can be taken without cash in hand; we wait orders on this subject, and in the meantime wish to keep matters with the Emperor of Morocco suspended in their present

state. The attention of Congress will have been called to this circumstance by our letter of November 11th, and several letters subsequent to that date.

As it is always well to know the dispositions of our neighbors, we enclose the letter No. 4, from a refugee of Louisiana to Dr. Franklin. It contains, moreover, a proposition for the consideration of Congress.

No 5, a and b, are a counter project, with a letter covering it, from the Chargé d'Affaires of Tuscany at this Court, as some of the alterations of our draft which the counter project proposes requires explanations, these have been desired and obtained in verbal conferences with M. Favi. In consequence of these, we shall immediately communicate to him in writing our dispositions on the several parts of it.

The letter No. 6, from the Baron de Thulemeier, received the 9th instant, contains the decisions of the King of Prussia on our last propositions. We shall close with him on the ground established in the several papers which have passed between us, and take immediate measures for putting the last hand to this treaty.

We have the honor to be, &c.,

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

—O—

FROM THE COMMISSIONERS TO M. FAVI.

Passy, June 8, 1785.

Sir,

We have the honor of transmitting herewith our sentiments on the counter draft of the treaty proposed to be established between his Royal Highness the Grand Duke of Tuscany and the United States of America. You will therein perceive that we agree to most of the changes proposed by the counter draft. Some of them we wish to modify, and on others we offer reasons we hope will be satisfactory to your Court. It is with great pleasure that we meet its dispositions to promote by this establishment the friendship and happiness of the two nations.

We have the honor to be, &c.,

B. FRANKLIN,
THOS. JEFFERSON.

FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Gentlemen,

I have received, with your letter which you did me the honor to write on the 8th of this month, the observations which it encloses on the alterations which the Court of Tuscany has made in some articles of the treaty, which you proposed to it.

I shall forward them to it immediately, and shall have the honor to inform you in due season of the answer which I shall receive, presuming that the Court will be for concluding this convention, which cannot but be useful to the two countries.

I am, with the greatest respect, &c.,

FAVI.



OBSERVATIONS ON THE ALTERATIONS PROPOSED ON THE PART OF HIS ROYAL HIGHNESS THE GRAND DUKE OF TUSCANY, IN THE ARTICLES OF A TREATY OFFERED BY THE COMMISSIONERS OF THE UNITED STATES OF AMERICA.

We agree that the second and third articles shall stand with the changes proposed, as follows:

ARTICLE II. The subjects of his Royal Highness may frequent all the coasts and countries of the United States of America, and reside and trade therein, in all sorts of produce, manufactures, and merchandize, *without exception of any*, and shall pay, within the said United States, no other or greater duties, charges, and fees whatsoever, and shall be obliged to observe no other or stricter formalities, restrictions, or cautions, than the most favored European nations are or shall be obliged to pay and observe; and they shall enjoy all the rights, privileges, and exemptions for their persons and property, and in navigation and commerce, which the most favored European nation does or shall enjoy.

ARTICLE III. In like manner the citizens of the United States of America may frequent the coasts and countries of his Royal Highness the Grand Duke of Tuscany, and reside and trade therein, in all sorts of produce, manufactures, and merchandize, *without exception of any*, and shall pay, in the dominions of his said Royal Highness,

no other or greater duties, charges, and fees whatsoever, and shall be obliged to observe no other or stricter formalities, regulations, or cautions, than the most favored European nations are or shall be obliged to pay and observe; and they shall enjoy all the rights, privileges, and exemptions for their persons and property, and in navigation and commerce, which the most favored European nation does or shall enjoy.

ARTICLE IV. We accede to the alterations proposed for the 4th article, but we wish then to add two modifications to that article which seem equally necessary and proper for both parties. 1st. That each party reserve a power to prohibit absolutely, within their own territories, the exportation or importation of any particular commodity, when necessity or reasons of State require it. As, for instance, the exportation of grain when a famine prevails or is apprehended, or the importation of any particular manufacture which either party wishes to encourage at home by excluding what would come from abroad. It is only necessary in these cases to provide that the moment such exportation or importation is allowed to any persons at all, it shall be permitted to the other party also. The second modification is, that where any nation restrains the transportation of commodities to the vessels of the State of which they are the produce, each party shall have a right to establish against that nation retaliating restraints. We therefore propose that the 4th article, with the alterations offered on the other part, and the modifications abovementioned, shall stand in this form:

ARTICLE IV. More especially each party shall have a right to carry any kinds of produce, manufactures, and merchandize, of whatever place they be the growth or manufacture, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take produce, manufactures, and merchandize of whatever place or growth, which all persons shall in like manner be free to sell them, paying in both cases such duties, charges, and fees, and observing such formalities, regulations, and cautions only as are or shall be paid or observed by the most favored European nation. Nevertheless, his Royal Highness and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth, produce, or manufacture, to establish against such nation

retaliating regulations, and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of State shall require it. In this case the subjects or citizens of the contracting parties shall not import or export the merchandizes prohibited by the other. But whenever one of the contracting parties permits any other nation, or its own citizens or subjects, to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V. This article had in view to authorize the merchants on each side to employ, 1st, what persons they please, and 2d, what vessels they please, in the transaction of their business, lading and unlading their ships. The Tuscan regulations of commerce having rendered it necessary as to the first object to add a proviso "that the person so employed be thereto authorized;" and again, "that they should use the public porters in places where they are or shall be established." It is apprehended that these restrictions of the first branch of the article are so broad as to leave very little for it to operate on, while at the same time it might in some cases produce embarrassment and contrary constructions. It is therefore proposed to omit altogether what relates to the persons to be employed, and retain only what relates to vessels, so that this article may stand thus:

ARTICLE V. The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE VI. The additions proposed to this article are, 1st, that the laws as to prohibited merchandize shall be observed by the vessels of each party; 2d, that they shall receive on board the usual custom-house guards; and 3d, that vessels in harbor shall not be asylums for delinquents. It is supposed that these effects flow from the laws of every State; and as there is no stipulation proposed in this treaty which would suspend the force of these laws, it is submitted whether it be necessary to stipulate their observance, and whether the referring the obligation of these laws to a false basis, that of national convention, when the true basis of their obligation is the authority of the Legislature within its own territories, might not weaken the energy

of the laws in some other possible cases, and in the end produce more doubt than the stipulations would remove. Nevertheless, the American Commissioners, not objecting to the effect of the additions, but only supposing they will take place without express stipulation, are ready to acquiesce in them if it will be more satisfactory to the other party. But if thought indifferent by them, we propose that the 6th article shall remain as originally formed.

ARTICLE VIII. We agree to the 8th article in the following form, which it is apprehended will include the additions proposed :

ARTICLE VIII. The vessels of the subjects or citizens of either party coming on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, shall put out and send their boats to the proper place, and shall give due account of themselves ; but they shall then have liberty to depart and to pursue their voyage without molestation, and without being obliged to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, and except, also, the charges of the visits of the health officers, which duties, charges, and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

ARTICLE IX. We agree to the alterations proposed in this article, the latter clause of which will stand, with the alterations, in these words : “ And if the operations of repair shall require that the whole ‘ or any part of the cargo be unladed, the same rules shall be observed ‘ as to the payment of dues which are observed in like cases with the ‘ inhabitants of the country, and with the other, the most favored ‘ nations of Europe.”

ARTICLE X. One of the alterations proposes that a subject or citizen of either party, dying in the country of the other, and leaving no person on the spot to take care of his goods, the courts of the country shall take them into their custody and keep them, &c. But by the laws of our States, the courts do not take into their own custody the goods of persons dying, but appoint trusty persons to do it, and make those persons accountable to the owners. Therefore, we proposed that in such cases the goods should be taken care of in the same way as those of the natives are in like cases, leaving the

particular mode to the laws of the country. We still suppose this will be best for both parties, and therefore propose the 10th article with the alteration, to which we accede in the following form :

ARTICLE X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise ; and their representatives, whosoever they be, shall succeed to their said personal goods, whether by testament or *ab intestato* ; and may take possession thereof, either by themselves, or by others acting for them, and dispose of them at their will, paying such dues only as the inhabitants of the country, and of the nations of Europe the most favored, shall be subject to pay in like cases. And in case of the absence of the executor, attorney, and other representatives, such care shall be taken of the said goods, and for so long a time as would, by the laws of the country, be taken of the goods of a native in like case until the lawful owner may take measures for receiving them ; and if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation.

We agree to the alterations proposed in the thirteenth article, and that it shall stand thus :

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other Power to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels, and to make them unlade such articles in the nearest port, putting them under safe-keeping, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reason-

able compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. And to remove all doubts respecting the merchandize and effects which shall be subject to the arrangements in this article, it is declared that they are the following: cannon, mortars, &c.; but these articles shall not be subject to be stayed, provided they be not in greater quantity than may be necessary for the use of the ship, or of the persons in it.

ARTICLE XIV. We agree to the alterations proposed in the fourteenth article; and that the clause "shall be provided," &c., shall stand thus: "shall be provided with sea letters or passports, 'which shall express the property and burthen of the vessel, as also 'the name and dwelling of the master,' which passports shall be made out in good and due forms, and in the manner and for the time which is usual with the respective nation in time of peace, on which subject such further explanations shall be entered into as occasion may render necessary; and shall be exhibited whensoever required, &c., to the end of the clause as proposed in the original draft.

ARTICLE XVI. The sixteenth article, among other things, proposes that no other than the ordinary legal procedure shall be used against subjects or citizens of the one party committing offences within the jurisdiction of the other. It has been proposed to add: "and with the subjects, citizens, or inhabitants of the other." If the effect of this addition is rightly understood, it would be contrary to our wish in such cases as these. A Tuscan commits an offence against an Englishman, both of them being transiently in a port of America. This article would not prohibit an extraordinary procedure contrary to the common course of law against the Tuscan. It is submitted, therefore, whether it is not better to extend to our people the benefit of the ordinary course of procedure in every case of offence committed by one of them, without the jurisdiction of the other, whether the party offended be an inhabitant or not. This is what was proposed by the article as it stands in the original draft.

We agree to the alterations proposed to the 17th article, and that it shall stand thus:

ARTICLE XVII. If any vessel or effects of the neutral Power be taken by an enemy of the other, and retaken by that other, they

shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof, without any pretensions whatever to salvage. But if a vessel of the one party be taken by pirates or sea-rovers, and retaken by a vessel of the other, one third part of the value of the vessel and cargo retaken shall be given to the recaptors.

Two additions are proposed in the 18th article. 1st. To insert among the causes of refuge in each other's ports that for the ordinary affairs of their commerce and navigation. But as the 2d and 3d articles relate solely to causes of commerce, and give every privilege and still more in all such cases, it is submitted whether the insertion here proposed is necessary, or can give any additional advantage to our merchants and sailors; and if it cannot, then whether it is not better omitted, as two articles relating to the same subject, but indifferently expressed, may sometimes produce confusion. The second addition is of these words: "Nevertheless in every case the vessels which shall come into the respective ports, scales, or roads, shall exactly observe the laws," &c. We beg leave to refer to our observations on the 6th article as containing our sentiments on this addition also; we propose, therefore, that this 18th article shall retain its original form.

The 19th article had provided that the armed vessels of either party might carry their prizes freely wheresoever they please. The words, "within the jurisdiction of the other," are proposed to be added, to which there could be no objection; but that they produce an implication that they may not be carried out of their jurisdiction when once they shall have entered into it.

We agree to all the other alterations of this article, only proposing that the last shall be in these words: "And the same shall take place in all those cases in which the Most Serene Grand Duke of Tuscany has made like conventions with other Powers." It is just that preceding obligations should prevail against the present treaty, but that the present should prevail against those which shall be subsequent. The article, with its alterations, will stand thus:

ARTICLE XIX. The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay to officers of admiralty, of the customs, or any others, any duties,

charges, or fees, other than those established for other vessels and merchandize, and which are paid by the most favored nations of Europe. Nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, except the case where the prize is charged to have been made against the laws of neutrality existing in the country; but may be freely carried out again at any time by the captors to the places expressed in their commission, or wherever they please—the commanding officer of the vessels making the capture being obliged to shew his commission and instructions, or to give other sufficient proofs whenever it shall be alleged that he was not authorized to hoist the flag of the nation under which he made the prize. But no vessel which shall have made prizes on the subjects of his most Christian Majesty the King of France, shall have a right of asylum in the ports or havens of the United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian Majesty and the United States. And the same shall take place in all those cases in which the most Serene Grand Duke of Tuscany has made like conventions with other Powers.

ARTICLE XX. Our laws do not assume cognizance of acts done neither within their jurisdiction nor by their citizens. Therefore, a subject of Tuscany, committing hostilities on us at sea under the flag of another Power, would not be liable to their sentence. But a stipulation by his Sovereign that he should be liable, would give that authority. It would be necessary, however, to say in what predicament he should stand liable. That of a pirate seems most analogous to his proceedings. We propose, therefore, to retain that word, in order to adapt the article to our laws, whilst those proposed on the other part may be also retained to adapt it to the laws of Tuscany, and that the article shall stand thus:

ARTICLE XX. No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate, or otherwise severely according to the rigor of the laws.

We agree that the 4th section of the 21st article shall stand as proposed, thus:

ARTICLE XXI. 4thly. The vessels of war, public and private, of the two parties, shall be reciprocally admitted, with their prizes, into the respective ports of each; and shall be freely at the disposal of the captors, according to the laws, usages, and regulations of the State to which the captor belongs.

ARTICLE XXIV. The 24th article proposed that officers breaking their parole, and privates escaping from their cantonments, should lose so much of the benefit of the article as provides for their enlargement on parole or in cantonment. It is proposed, on the other part, that they shall lose the benefit of this article—that is to say, the whole benefit of it. But it would seem to be a rigor neither laudable nor useful, to deprive them of their wholesome and plentiful ration, and all other benefits of this article, for a breach of the limits of their confinement. We would therefore repeat our wish that they should thereupon be subject only to close confinement, as originally proposed, and of course that this article should remain in its first form.

We agree that the 25th article shall be as proposed, thus :

ARTICLE XXV. The two contracting Powers grant to each other the liberty of having each in the ports of the other, Consuls, Vice Consuls, Agents, and Commissaries of their own appointment, observing the usual forms of notification and admission, and on the same footing as is or shall be allowed to any other of the most favored European nations.

We agree, also, that the first part of the 26th article shall stand thus :

ARTICLE XXVI. If either party shall hereafter grant to any other European nation, &c.

The articles on which no observations have been made—that is to say, the 1st, 7th, 11th, 12th, 15th, 22d, 23d, and 27th—to remain in the form originally proposed.



FROM MONSIEUR FAVI TO THE COMMISSIONERS.

Translation.

Paris, June 11, 1785.

Gentlemen,

I have received the letter which you did me the honor to write the 8th of this month, enclosing observations upon the alterations made by the Court of Tuscany, upon some articles of the treaty which you

had proposed. I forwarded them without delay. I will have the honor to inform you in due season of the reply, which I shall receive, and which I presume will be for the conclusion of this convention, and which cannot fail to be useful to both countries.

I am, &c.,

FAVI,

Chargé d'Affaires of Tuscany.



SEVENTH REPORT OF THE COMMISSIONERS TO CONGRESS, ADDRESSED
TO JOHN JAY, SECRETARY FOR FOREIGN AFFAIRS.

Passy, June 18, 1785.

Sir,

In our last to you, of May 11th, we had the honor of enclosing, among other papers, a letter from Baron Thulemeier, drawing to a close our negotiation with the Court of Berlin. We have now that of forwarding our answer, marked No. 1.

No. 2 a, contains our observations of the counter-draft from the Court of Tuscany. No. 2 b, the letter enclosing them, and No. 2 c, Mr. Favi's answer acknowledging their receipt.

Mr. Adams's appointment to the Court of London, rendering it more convenient, more speedy, and probably more effectual that that negotiation should be conducted on the spot, we wrote to the Duke of Dorset a letter of which No. 3 is a copy, in answer to one received from and transmitted to you in April. Since Mr. Adams's departure, we have been favored by him with information which he received from you, that a Mr. Lamb had been charged with letters and instructions for us on the subject of the treaties with the State of Barbary. He sent us, at the same time, the copy of a resolution of Congress on that subject. As yet we have heard nothing more of Mr. Lamb, but hope his arrival hourly, that we may take decisive measures for establishing an amity with those Powers.

Mr. John Bapt. Pecquet, of Lisbon, who was the subject of an instruction to us of May 11, 1784, is now in Paris, and has applied for such acknowledgments for his services as may be thought proper. He seemed to desire most some appointment at Lisbon, either for himself or his son. We informed him none such were in our gift, and that all we could do in that line, would be to mention him to Congress as worthy of their recollection, if they should make any appointment there analogous to his talents. We have written to Mr.

Adams, proposing to give Mr. Pecquet, in addition to ten guineas which he has received for present supply, one hundred and fifty guineas, or perhaps four thousand livres, as a compensation for his expenses and good disposition. His expenses on our prisoners had been about fifty moidores.

Our first letter to Congress was of the 11th November, and was sent by a Colonel Lemaire. Having lately received proofs that he omitted to deliver private letters with which he was charged, though he saw in New York the persons to whom they were addressed, we begin to fear he was capable of omitting to deliver also that to the President of Congress. We are equally uncertain whether our subsequent letters may have got to hand. To relieve our anxieties on this subject, we will pray you to be so good as to inform us which of them may have been received. Their dates have been November 11, 1784, December 15, 1784, and February, 1785, addressed to the President of Congress, and March 18, April 13, and May 11, addressed to yourself.

With the highest esteem, we have the honor to be, &c.,

B. FRANKLIN,
THOS. JEFFERSON.



FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, July 19, 1785.

Sir,

The King has entirely approved the projected treaty of commerce and friendship with the United States of America, which has been the result of our common labors, and as it is found in the last letter you have honored me with, bearing date of May 26th of the present year. His Majesty consents, besides, that agreeably to your proposition, and that of your colleagues, the duration of the said treaty be fixed at ten years, and it is according to my instructions that in the twenty-seventh article the term mentioned has been inserted. He orders me now to proceed to the signature with the Ministers of the United States of America, and to digest, jointly with them, the introduction, according to that which has been used in the treaty of commerce which has been concluded with the King of Sweden. The annexed

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treaty, which I intend to sign, according to my powers, fulfils these different objects, and it only remains with me to bring to your recollection, sir, the proposition which I have taken the liberty to make to you in my letter of June 17th last, to authorize Mr. Dumas, Chargé d'Affaires at the Hague, to concur with me in the usual exchange. The King is only waiting for the instrument, signed by the American Plenipotentiaries, to cause the ratification of it to be transmitted in the usual manner.

I have the honor to be, &c.,

DE THULEMEIER.

INSTRUCTIONS FROM THE COMMISSIONERS TO MR. SHORT.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia, having been arranged with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our other duties to repair to that place ourselves, for the purpose of executing and exchanging the instruments of treaty, we therefore appoint you special Secretary for that purpose.

You will receive from Colonel Humphreys, Secretary of our legation, the original of our full powers, and a copy of the same attested by him, the full power heretofore communicated to us by the Baron de Thulemeier, and the two instruments of treaty arranged between us, each in two columns, the one in English and the other in French, equally originals. From us you receive a letter to Charles Dumas, Esq., agent for the United States at the Hague, associating him with you in the objects of your mission.

You will proceed immediately to the Hague, and being arrived there will deliver the letter to Mr. Dumas, and proceed conjointly with him in the residue of your business, which is to be executed there.

The original of our full powers is to be exhibited to the Plenipotentiary of his Majesty the King of Prussia, and the attested copy is to be left with him, you taking back the original; you will in like manner ask an exhibition of the original of his full powers, and also a copy duly attested; you will compare the copy with the original,

and being satisfied of its exactness you will return the original and keep the copy. That you may be under no doubt whether the full powers exhibited to you be sufficient or not, you will receive from Colonel Humphreys those which the Baron de Thulemeier heretofore sent to us. If those which shall be exhibited agree with these in form or substance, they will be sufficient.

The full powers being approved on each side and exchanged, you will obtain the signature and seal of the Prussian Plenipotentiary to the two instruments of treaty with which you are charged, and yourself and Mr. Dumas will attest the same. One of those original instruments will remain in the hands of the Prussian Plenipotentiary, the other you will retain.

You will ask that the ratification of his Majesty the King of Prussia be made known to us as soon as it shall have taken place, giving an assurance on our part that that of Congress shall also be communicated as soon as it shall have taken place. When both ratifications shall be known, measures may be concerted for exchanging them. You will confer with the said Plenipotentiary on the expediency of keeping this treaty uncommunicated to the public until the exchange of ratifications, and agree accordingly.

You will then return to Paris, and redeliver to the Secretary of our legation our original full powers, the copies of those of Prussia before mentioned, and the original instrument of the treaty which you shall have retained.



FROM MESSRS. ADAMS AND JEFFERSON TO C. F. W. DUMAS.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia, having been arranged by us with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our other duties to repair to that place ourselves for the purpose of executing and exchanging the instruments of treaty, we have delivered the same, duly executed on our part, to the bearer hereof, William Short, Esq., to be by him carried with the other necessary papers to the Hague. When arrived there, we ask and authorize you to manage, in conjunction with him, the

execution and exchange of the instruments of treaty according to the instructions which he receives from us, and will communicate to you. Your former attention to the interests of the United States and readiness to promote them give us an assurance that you will not withhold them on the present occasion.

We have the honor to be, &c.,

(At London.)

(At Paris.)

JOHN ADAMS,

THOS. JEFFERSON.



THOMAS JEFFERSON TO BARON DE THULEMEIER, ACCOMPANYING
THE PRECEDING INSTRUMENTS.

Paris, July, 1785.

Sir,

I was honored with the receipt of your letter on the 21st instant, together with the French draft of the treaty proposed. As it ultimately meets his Majesty's approbation, Doctor Franklin, our colleague, having assisted us through the progress of this business, we were desirous he also should join in the execution. Duplicate instruments were, therefore, prepared, each divided into two columns, in one of which we entered the English form as it had been settled between us, leaving the other blank to receive the French we expected from you. In this state, the Doctor, before his departure, put his signature and seal to the two instruments. We have since put into the blank column the French form received from you verbatim. As we thought that such instruments should not be trusted out of confidential hands, and the bearer hereof, William Short, Esq., heretofore a member of the Council of State in Virginia, happened to be in Paris, and willing to give us his assistance herein, they are delivered into his hands, with other necessary papers, according to an arrangement previously made between Mr. Adams, Doctor Franklin, and myself. He will proceed to London to obtain Mr. Adams's signature, and thence to the Hague, where we have, according to your desire, associated Mr. Dumas with him, to concur with you in the final execution. It is with singular pleasure I see this connexion formed by my country with a sovereign whose character gives a lustre to all the transactions of which he makes a part.

I have the honor to be, &c.,

THOS. JEFFERSON.

EIGHTH REPORT OF THE COMMISSIONERS TO CONGRESS, ADDRESSED
TO JOHN JAY, SECRETARY FOR FOREIGN AFFAIRS.

Paris, August 14, 1785.

Sir,

The letter of June 18, signed by Doctor Franklin and myself, is the last addressed to you from hence on the part of the general commission. As circumstances rendered it necessary that the signature of the Prussian treaty, whenever it should be in readiness, should be made separately, the intervention of a person of confidence between the Prussian Plenipotentiary and us, became also requisite. His office would be to receive the duplicates of the treaty here, signed by Doctor Franklin and myself, to carry them to London to Mr. Adams, and to the Hague, to Baron Thulemeier, for their signature. Moreover, to take hence the original of our full powers, to shew to Baron Thulemeier, and the copy of his, which he had before communicated to us, to ask from him a sight of the original, to compare the copy with it, and certify the latter to be true. Mr. Adams, Dr. Franklin, and myself, therefore, had concluded to engage Mr. Short (a gentleman of Virginia who lives with me at present) to transact this business, and to invest him with the character of Secretary *pro hac vice*, in order that his signature of the truth of the copy of Baron Thulemeier's full powers might authenticate that copy. On the receipt of the letter, No. 1, therefore, from that Minister, Mr. Short set out hence with the necessary papers. By a letter lately received from him, I expect he left London for the Hague about the 10th instant, and that the treaty is ultimately executed by this time. In respect to the desire expressed by Baron Thulemeier in his letter, we associated Mr. Dumas with Mr. Short, to assist in the exchange of signatures and other ceremonies of execution. We agreed to bear Mr. Short's expenses, and have thought that a guinea a day (Sunday excepted) would be a proper compensation for his trouble and the necessary equipments of his journey, which could not enter into the account of his travelling expenses. I hope, by the first safe conveyance, to be able to forward to you the original of the treaty. No. 2 is my answer to Baron Thulemeier's letter, No. 3 our instructions to Mr. Short, and No. 4 our letter to Mr. Dumas.

Mr. Lamb's delay gives me infinite uneasiness. You will see, by the enclosed papers, Nos. 5, 6, and 7, sent me by Mr. Carmichael, that the Emperor of Morocco, at the instance of the Spanish Court, has delivered up the crew of the Betsy. No. 8, also received from Mr. Carmichael, is a list of articles given the Emperor of Morocco the last year by the States General. It is believed that the Spanish negotiator at Algiers has concluded a peace with that State, and has agreed to give them a million of dollars, besides a very considerable quantity of things in kind. The treaty meets with difficulties in the ratification, perhaps the exorbitance of the price may occasion them. Rumors are spread abroad that they are pointing their preparations at us. The enclosed paper, No. 9, is the only colorable evidence of this which has come to my knowledge. I have proposed to Mr. Adams, that if Mr. Lamb does not come hither in the French or English packet then (August 6th) next expected, to send some person immediately to negotiate these treaties, on the presumption that Mr. Lamb's purpose has been changed. We shall be at a loss for the instructions of which he is said to be the bearer. I expect Mr. Adams's answer on this subject.

I have the honor to be, &c.,

THOS. JEFFERSON.

REPORT OF JOHN JAY ON A TREATY WITH PRUSSIA.

Office for Foreign Affairs, March 9, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the treaty lately concluded with Prussia, and transmitted with a joint letter from Mr. Adams and Mr. Jefferson, reports :

That on considering the several articles in the said treaty, he observes that each party is to enjoy, in the dominions of the other, the same rights and privileges as to commerce, &c., as are or shall be granted to the most favored nation.

On this point your Secretary adheres to the same opinion which he heretofore communicated to Congress in his report of 17th May last, on the draft of a treaty of amity and commerce, transmitted by the American Ministers. He also thinks that much of the reason in that report applies to certain other articles in the treaty under consideration.

Your committee suspects that the following article is a little equivocal, viz :

“ More especially each party shall have a right to carry their own ‘ produce, manufactures, and merchandize, in their own or any other ‘ vessels, to any part of the dominions of the other, *where* it shall be ‘ lawful for all the subjects or citizens of that other freely to purchase ‘ them, and thence to take the produce, manufactures, and mer- ‘ chandize of the other, which all the said citizens or subjects shall ‘ in like manner be free to sell them, paying,” &c.

Although the meaning of this article appears obvious, yet it might perhaps be construed to imply that there are or will be certain *free* ports, *where* every thing brought by or belonging to either party may be freely sold and bought, in contradistinction to other ports and places in the same dominion, *where* such liberty is not allowed. The intention of the article doubtless is, that such liberty is to be enjoyed at every port and place.

The latter part of the tenth article is not quite reciprocal, viz :

“ And where, on the death of any person holding real estate ‘ within the territories of the one party, such real estate would, by ‘ the laws of the land, descend on a citizen or subject of the other, ‘ were he not disqualified by alienage, such *subject* shall be allowed ‘ a reasonable time to sell the same, and to withdraw the proceeds ‘ without molestation,” &c. “ But this article shall not derogate in ‘ any manner from the force of the laws already published or hereafter ‘ to be published by the King of Prussia, to prevent the emigration of ‘ his subject.”

This latter clause reserves to the King of Prussia the right of making laws to prevent emigrations, but does not so limit the extent of these laws as that they shall not operate against the right to sell, &c., granted in the preceding one, for, instead of saying that such laws shall not derogate in any manner from the true intent and meaning of this article, it says that this article shall not derogate in any inanner from the force of his laws, &c., besides, the like right is not reserved to the United States.

Upon the whole matter, and particularly considering that the duration of this treaty is limited to ten years, your Secretary thinks that it will be prudent and best to ratify it.

A year from the day of the signature is allowed for the exchange of ratifications.

It appears to have been signed by **BARON THULEMEIER**, September 10, 1785; **MR. ADAMS**, August 5, 1785; **DOCTOR FRANKLIN**, July 9, 1785; **MR. JEFFERSON**, July 28, 1785.

This term of a year is doubtless to be computed from 10th September last, for as the Prussian Minister appears to have signed it last, and it was not until then complete, there can be no room for the questions that might have otherwise arisen on this subject.

All which is submitted to the wisdom of Congress.

JOHN JAY.

**NINTH REPORT OF THE COMMISSIONERS TO CONGRESS, ADDRESSED
TO JOHN JAY, SECRETARY FOR FOREIGN AFFAIRS.**

Sir,

We have the honor to transmit to Congress, by Mr. Fitzhugh, the treaty between the United States and the King of Prussia, signed separately by your Ministers at the several places of their residence, and by the Baron de Thulemeier at the Hague, in English and French, and exchanged at the Hague in presence of Messrs. Short and Dumas. As this treaty may be of considerable importance to the United States, and will certainly promote their reputation, it is certainly to be wished that the ratification may be exchanged and the publication made as soon as possible. The admission of our privateers into the Prussian ports by a treaty signed at the moment of the negotiation of a league in which Brandenburg and Hanover are parties, is a little remarkable. It certainly merits the consideration of Congress and the States.

With great respect, &c.,

LONDON, 2d October, 1785.

PARIS, 11th October, 1785.

JOHN ADAMS.

THOS. JEFFERSON.

FROM THE COMMISSIONERS TO JOHN JAY.

Grosvenor Square, April 25, 1786.

Sir,

Soon after our meeting together in London we had a conference with the Secretary of State for Foreign Affairs, in which we communicated to him the joint commission of Congress for negotiating a treaty of commerce with Great Britain, and left an attested copy of it in the hands of his Lordship. At the same time his Lordship was

informed that as the commission was limited to two years' duration, which would expire on the 12th of May, we should be ready to confer upon the subject of it with his Majesty's Ministers; but as one of us would be obliged to return in a short time to Paris, it was wished that an early opportunity might be taken to see upon what points we could agree, and to discuss those in which at first we might differ. His Lordship, after harping a little on the old string, the insufficiency of the powers of Congress to treat and compel compliance with treaties, said he would lay the matter before the Ministry and the King. In a few days his Lordship meeting one of us, proposed, in his own name and that of Mr. Pitt, that as the project already communicated contained many political regulations, we should propose a project of a treaty merely commercial. The next day, at the office, it was said to the Under Secretary of State, Mr. Frasier, his Lordship not being there, that the project already prepared was in our opinion the best that could be proposed for the mutual interest of the two nations, but if any part of it were objectionable in the minds of the Ministry, we were ready to enter into a candid disquisition of them, and to receive any counter project which might contain the sense of the Cabinet; but until we know which articles were objected to, it would be vain for us to attempt a new draft. We could only repeat the proposition of the former one. Mr. Frasier reported this conversation to his principal, who directed him to write us that, as the former project contained many political regulations, his Lordship wished to receive a plan of a treaty merely commercial. We accordingly sent five or six articles of the former plan, and proposed them as a treaty of commerce, which we suppose would be a good one, and, except in one point, as complete as we can expect. The point we mean is the privilege of ships built in the United States. It is much to be wished that such ships might enjoy in the British dominions as ample privileges as British-built ships, whether owned or navigated by Americans or not, and we should now add an article to that purpose if there was the smallest symptom of an intimation to treat at all. But there is not. There is no party nor individual here in favor of a treaty, but upon the principle that the United States will retaliate if there is not one. All agree that if America will suffer England to *pocket* (that is the expression) all her navigation, England would be unwise not to avail herself of the advantage.

The negotiation with Portugal is brought to a conclusion as far as her Minister here has authority to proceed. We propose to execute the treaty, and hope to see the counterpart executed by the Chevalier de Pinto, before our commission expires. The treaty itself, shall be transmitted to Congress as soon as it is finished, and we shall not trouble you with a tedious detail of projects and counter-projects. Yet the enclosed copies of parts of a letter, concerning flour and privateering and contraband, may be necessary for our justification.

We have the honor to enclose copies of letters from Mr. Carmichael of the 5th April, from Mr. Barclay of the 5th April, from the Count d'Espilly and Mr. Lamb to Mr. Carmichael, dated Algiers, 26th March.

We have every reason to fear that the negotiations with the Turks will be very tedious and expensive upon the present plan, and without success. Our commission to Constantinople expires in a few days, and we have no new commission to this Power which enables us to find agents; and, indeed, the Sublime Porte is so great a Power that its dignity would be offended if such a measure were attempted. There are reasons to expect that a Minister to that Court would be well received, and that our commerce and naval stores would be then an object.

With great respect, &c.,

JOHN ADAMS,
THOS. JEFFERSON.



FROM THE COMMISSIONERS TO THE MARQUIS OF CARMARTHEN.

Grosvenor Square, April 4, 1786.

My Lord,

Agreeably to your Lordship's request, expressed to one of us in conversation, and again communicated to us through Mr. Frasier, we have drawn up the enclosed project of a treaty of commerce, which we do ourselves the honor to propose to the consideration of his Majesty's Ministers.

We have the honor to be, &c.,

JOHN ADAMS,
THOS. JEFFERSON.

ARTICLE I. The subjects of his Britannic Majesty may frequent all the coasts and countries, bays, harbors, creeks, rivers, and ports, of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize, in ready-built ships, and shall pay, within the said United States, no other or greater duties, charges, or fees whatsoever, than the natural-born citizens of the United States themselves, are or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in trade, navigation, and commerce, which the natural-born citizens of the said United States do or shall enjoy.

ARTICLE II. In like manner the citizens of the United States of America may frequent all the coasts and countries, bays, harbors, creeks, rivers, and ports of his Britannic Majesty, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges, or fees whatsoever, than the natural-born subjects of Great Britain are or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in trade, navigation, and commerce, which the natural-born subjects of Great Britain do or shall enjoy; saving, nevertheless, to the chartered companies trading to the East Indies and to Hudson Bay their rights.

ARTICLE III. More especially each party shall have a right to carry all kinds of produce, manufactures, and merchandize, of whatever place they may be the growth or manufacture, in their own vessels, navigated by their own or any other seamen, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take produce, manufactures, and merchandize, of whatever place or growth, which all persons shall, in like manner, be free to sell them, paying, in both cases, such duties, charges, and fees only as are or shall be paid by the natural-born subjects of Great Britain, in the dominions of his Britannic Majesty, and the natural-born citizens of the said United States within their dominions; nevertheless, each party reserves to itself the right to prohibit, in their respective countries, the exportation or importation of any species of goods or commodities whatsoever. In this case the subjects or citizens of either of the contracting parties, shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any person of their

own or any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE IV. His Britannic Majesty and the United States of America agree that this treaty shall be in force during years from the exchange of ratification; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the date of its signatures.

ARTICLE V. The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, Agents, and Commissaries of their own appointment. But if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nations are submitted in the same place.



FROM THE COMMISSIONERS TO JOHN JAY.

Grosvenor Square, March 28, 1786.

Sir,

Soon after the arrival of Mr. Jefferson in London, we had a conference with the Ambassador of Tripoli at his house.

The amount of all the information we can obtain from him was, that a perpetual peace was in all respects the most advisable, because a temporary treaty would leave room for increasing demands upon every renewal of it, and a stipulation for annual payments would be liable to failures of performance, which would renew the war, repeat the negotiations, and continually augment the claims of his nation; and the difference of expense would by no means be adequate to the inconvenience, since 12,500 guineas to his constituents, with ten per cent. upon that sum for himself, must be paid if the treaty was made for only one year.

That 30,000 guineas for his employers, and £3,000 for himself, was the lowest terms upon which a perpetual peace could be made; and that this must be paid in cash on the delivery of the treaty, signed by his Sovereign; that no kind of merchandizes could be accepted.

That Tunis would treat upon the same terms, but he could not answer for Algiers or Morocco.

We took the liberty to make some enquiries concerning the ground of their pretensions to make war upon nations who had done them no injury, and observed that we considered all mankind as our friends who had done us no wrong, nor had given us any provocation.

The Ambassador answered us that it was founded on the laws of their Prophet; that it was written in their Koran; that all nations who should not have acknowledged their authority were sinners; that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as prisoners; and that every Mussulman who was slain in battle was sure to go to Paradise.

That it was a law that the first who boarded an enemy's vessel should have one slave more than his share with the rest, which operated as an incentive to the most desperate valor and enterprize; that it was the practice of their corsairs to bear down upon a ship, for each sailor to take a dagger in each hand and another in his mouth, and leap on board, which so terrified their enemies that very few ever stood against them; that he verily believed the devil assisted his countrymen, for they were almost always successful. We took time to consider, and promised an answer; but we can give him no other than that the demands exceed our expectation and that of Congress so much that we can proceed no further without fresh instructions.

There is but one possible way that we know of to procure the money, if Congress should authorize us to go to the necessary expense; and that is to borrow it in Holland. We are not certain it can be had there, but if Congress should order us to make the best terms we can with Tunis, Tripoli, and Morocco, and to procure this money wherever we can find it, upon terms like those of the last loan in Holland, our best endeavor shall be used to remove this formidable obstacle out of the way of the prosperity of the United States.

Enclosed is a copy of a letter from Paul R. Randall, Esq., at Barcelona. The last from Mr. Barclay was dated Bayonne. It is hoped we shall soon have news from Algiers and Morocco, and we wish it may not be made more disagreeable than this from Tunis and Tripoli.

JOHN ADAMS,
THOS. JEFFERSON.

REPORT OF JOHN JAY ON A JOINT LETTER FROM MESSRS. ADAMS
AND JEFFERSON.

Office for Foreign Affairs, May 29, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a joint letter from Mr. Adams and Mr. Jefferson, of 28th March last, together with a motion of the Honorable Mr. Pinckney on the subject of it, reports :

That those gentlemen in this letter mention that in a conference with the Ambassador of Tripoli, he informed them that 12,500 guineas to his constituents, with ten per cent. on that sum for himself, must be paid if the treaty was made for only a period of one year.

That thirty thousand guineas for his employers, and three thousand for himself, were the lowest terms on which a *perpetual* peace could be made.

That Tunis would treat on the same terms, but that he could not answer for Algiers or Morocco.

They further observe that if Congress should order them to make the best terms they can with Tunis, Tripoli, Algiers, and Morocco, and to procure the money wherever they can find it, upon terms like those of the last loan in Holland, their best endeavors should be used, &c.

The motion in question proposes an instruction conformable to the above suggestion.

Two questions seem to arise on this letter :

1st. Whether those Ministers shall be authorized and instructed to make the best terms with those Powers.

2d. Whether they shall be authorized and instructed to endeavor to borrow money in Europe for the purpose.

Your Secretary thinks full confidence may be reposed in the integrity and discretion of those Ministers, and therefore is of opinion that it would be expedient to leave the terms of the proposed treaties to their prudence.

As to authorizing and instructing them to endeavor to borrow money for the purpose in Europe, your Secretary much doubts the policy of it.

The probability of their borrowing so much money appears questionable.

Because those nations to whom our war with the Barbary States is not disagreeable, will be little inclined to lend us money to put an end to it.

Because no funds are yet provided for paying even the interest of our former loans, either foreign or domestic.

Because the payments due to France, though pressed, have not been completed.

Because the reluctance of the States to pay taxes, or to comply with the economical requisitions of Congress, or to give efficacy to their Federal Government, are topics of common conversation in Europe.

If a loan should be attempted and not succeed, the credit and respectability of the United States would be diminished by the attempt.

Your Secretary thinks that neither individuals nor States should borrow money without the highest probability at least of being able punctually to repay it; and that States should never attempt a loan, without having previously formed and arranged adequate funds for its discharge.

It appears to your Secretary improper to open such a loan, even if the success of it were certain.

Because, as the Federal Government in its present state, is rather paternal and persuasive than coercive and efficient, Congress can make no certain dependence on the States for any specific sums to be required and paid at any given periods, and consequently are not in capacity safely to pledge their honor and their faith for the repayment of any specific sums they may borrow at any given period, which must be the case if they should make this or any other loan.

Because, as the people or generality will never provide for the public expenses unless when moved thereto by constitutional coercion, or by the dictates of reason, or by their feelings; and as the first of these motives is here out of the question, your Secretary thinks it probable that the States, on being applied to, will be more disposed to supply money to purchase these treaties of peace, while they feel the evils resulting from the war, than they will to supply money to repay borrowed sums, when all their fears and dangers from Sallee rovers, Algerine corsairs, and the pirates of Tunis and Tripoli are vanished and gone.

For these reasons your Secretary is much inclined to think that a fair and accurate state of the matter should be transmitted to the States, that they should be informed that the sum of will be necessary to purchase treaties from the Barbary States, and that until such time as they furnish Congress with their respective proportions of that sum, the depredations of those barbarians will, in all probability, continue and increase.

All which is submitted to the wisdom of Congress.

JOHN JAY.

CORRESPONDENCE
OF
THOMAS JEFFERSON,

ONE OF THE COMMISSIONERS FOR THE FORMATION OF
TREATIES OF AMITY AND COMMERCE, AND MIN-
ISTER PLENIPOTENTIARY TO FRANCE,

WITH

THE ANSWERS OF JOHN JAY,

SECRETARY FOR FOREIGN AFFAIRS.

VOL. I.—39

609

CORRESPONDENCE.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, March 15, 1785.

Sir,

I have the honor of transmitting to you, herewith enclosed, an extract from the Journal of Congress, respecting your appointment to represent the United States at the Court of Versailles as their Minister. On which be pleased to accept my sincere congratulations.

The next packet will bring you a letter of credence, and such other papers as this appointment may, in the opinion of Congress, render proper.

Mr. Randall, who is the bearer of this, has also in charge a packet of newspapers, directed to Mr. Adams, Doctor Franklin, and yourself.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, March 22, 1785.

Sir,

The packet being still here, I have the honor of transmitting to you, herewith enclosed, your commission and letter of credence.

Mr. Randall, who goes as a passenger in the packet, has my other letters, and will be the bearer of this. Permit me to recommend him to your attention.

I have the honor to be, &c.,

JOHN JAY.

Extract from the Secret Journal of Congress, March 22, 1785.

The Secretary for Foreign Affairs reported the following Commission to Mr. Jefferson, to which the seal was affixed :

"The United States of America in Congress assembled, to our trusty and well-beloved Thomas Jefferson, Esq., send greeting :

"We, reposing special trust and confidence in your integrity, prudence, and ability, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, you, the said Thomas Jefferson, our Minister Plenipotentiary to reside at the Court of his most Christian Majesty, and do give you full power and authority there to represent and to do and perform all such matters and things as to the said place or office doth appertain, or as may by our instructions be given unto you in charge. This commission to continue in force for the space of three years from this day, unless sooner revoked.

"In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness his Excellency Richard Henry Lee, President, at the city of New York, this tenth day of March, one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.

"RICHARD HENRY LEE.

"Attest: CHARLES THOMSON."

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, April 15, 1785.

Sir,

Mr. Randall, who sailed in the last French packet, was charged with despatches for you and other Ministers. Among them were your commission, &c., to succeed Dr. Franklin at the Court of Versailles.

The probability of your now being in England renders it less necessary and perhaps expedient that I should not go into minute details, especially as this letter would in that case pass through the British Post Office.

I enclose a "statement of the duties payable by vessels of the United States in the ports of Marseilles, Bayonne, L'Orient, and Dunkirk." You may find it useful on several occasions.

Two of the Commissioners lately appointed for the Treasury, viz: Mr. Osgood and Mr. Walter Livingston, have accepted and proceeded to business. The third, viz: Mr. Gervais, of South Carolina, having declined, another will soon be elected to supply his place. So we may hope soon to see the affairs of that department arranged and regulated.

The making adequate provision for our debts, and other exigencies of Government, has been too long delayed, and still meets with obstacles. An opinion of the necessity of it however gains ground, and I flatter myself will eventually become general and operative.

I have the honor to be, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 11, 1785.

Sir,

I was honored, on the 2d instant, with the receipt of your favor of March 15th, enclosing the resolution of Congress of the 10th of the same month, appointing me their Minister Plenipotentiary at this Court; and also of your second letter, of March 22d, covering the commission and letter of credence for that appointment.

I beg permission, through you, sir, to testify to Congress my gratitude for this new mark of their favor, and my assurances of endeavoring to merit by a faithful discharge of the duties annexed to it.

Fervent zeal is all which I can be sure of carrying into their service, and where I fail through a want of those powers which nature and circumstances deny me, I shall rely on their indulgence, and much also on the candor with which your goodness will present my proceedings to their eye. The kind terms in which you are

pleased to notify this honor to me, require my sincere thanks. I beg you to accept them, and to be assured of the perfect esteem with which I have the honor to be, sir, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 15, 1785.

Sir,

As it frequently happens that we cannot meet with passengers going hence to the packet to whom we may commit our letters, and it may be often necessary to write to you on subjects improper for the inspection of this Government, to which the letters by post are subject, I have made out a cypher, which I now enclose, and deliver to young Mr. Adams, who will have the honor of delivering you this.

The plate and impression have been made under my own eye, with circumstances of such caution as may give you the most perfect confidence it it.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, June 15, 1785.

Sir,

I have had the honor of receiving the joint letters from Mr. Adams, Doctor Franklin, and yourself, with their several enclosures of . . . December, 1784, and 9th February, 18th March, and 13th April, 1785.

At present I am not charged with communicating to you any instructions of Congress on the subjects of them, though it is possible they may give occasion to some.

I have now the honor of transmitting to you, herewith enclosed, a letter from Congress to his most Christian Majesty; and for your satisfaction I also enclose a copy of it. Permit me to hint that, as the United States have a Minister Plenipotentiary residing at the Court of Versailles, it is natural for them to expect one from thence.

I have directed a packet of the latest newspapers to be prepared

and sent with this, from which you will be enabled to acquire a knowledge of the most material public occurrences in detail.

Our commercial people grow uneasy and dissatisfied with restrictions on our foreign trade, and particularly with the British dominions. This uneasiness promotes the system of perfecting our Union and strengthening the Federal Government. There is reason to hope that the Legislatures, in the ensuing winter sessions, will direct much of their attention to these important objects.

I have the honor to be, &c.,

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, July 13, 1785.

Sir,

Since mine to you of the 15th June last, which mentioned to you the receipt of such of your letters as had then come to hand, I have not been favored with any from you. Those letters were immediately laid before Congress, and are still under their consideration. Whether any, and what further resolutions or instructions will result from their deliberation, is as yet uncertain; and, therefore, lest their sentiments and mine should clash, I forbear saying any thing officially on the subject for the present.

The convention respecting Consuls, or rather a copy of it sent by Doctor Franklin, has also been received and laid before Congress; they have taken it into consideration, but have as yet come to no resolutions.

We have intelligence (which though not entirely authentic is believed by many) that the British are enticing our people to settle lands within our lines under their Government and protection, by gratuitous supplies of provisions, implements of husbandry, &c. The truth of this report will soon be ascertained. I wish it may prove groundless. If true, the evacuation of the frontier posts is not to be expected, and another war is to be looked and prepared for.

We suppose, but have not heard, that Mr. Adams is in London. We are anxious to receive letters from him, and to learn with certainty the intentions of that Court with respect to those posts, and other interesting subjects.

M. Gardoqui has at length arrived. He is charged with the affairs of Spain with Plenipotentiary powers.

Congress appointed Governor Livingston to succeed Mr. Adams at the Hague ; but he declining it they have since elected Governor Rutledge, whose answer cannot be expected for some time yet.

I have the honor to be, &c.,

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, August 13, 1785.

Dear Sir,

Since the date of my last to you, which was the 13th ultimo, I have been honored with your joint letter of the 11th May, and with two others from you of the same date.

As yet Congress have not communicated to me any resolutions on the subjects of the several letters from their Ministers which have been received and laid before them ; and the convention respecting consular powers is still under their consideration.

The Board of Commissioners for the Treasury is now complete, Congress having been pleased to appoint Mr. Arthur Lee to be one of them.

The answer of Governor Rutledge, who has been elected for the Hague, has not yet come to hand.

A requisition on the States for supplies is preparing, and it is thought will pass in the course of the next month. If punctually complied with it will greatly reëstablish our credit with those who entertain doubts respecting it.

Our harvest is good, and though the productions of the country are plenty, yet they bear a high cash price ; so that the complaint of the want of money in the country is less well founded than a complaint of distrust and want of credit between man and man would be ; for the apprehension of paper money alarms those who have any thing to lend, while they who have debts to pay are zealous advocates of the measure. Until that matter is decided there will be little credit, and I sometimes think the less the better.

The letters I have received from Mr. Adams were written immediately after his presentation, and contain nothing of business, so that our suspense on certain interesting points still continues.

I herewith enclose, by order of Congress, some papers on the subject of our trade with the French, which it may be useful for you to know the contents of; and also some late newspapers, which, though not very interesting, may not be altogether useless.

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 17, 1785.

Sir,

I had the honor of addressing you on the 11th of last month by young Mr. Adams, who sailed in the packet of that month. That of the present is likely to be retarded to the first of July, if not longer.

On the 14th of May, I communicated to the Count de Vergennes my appointment as Minister Plenipotentiary to this Court, and on the 17th delivered my letter of credence to the King at a private audience, and went through the other ceremonies usual on such occasions.

We have reason to expect that Europe will enjoy peace another year. The negotiations between the Emperor and United Netherlands have been spun out to an unexpected length, but there seems little doubt but that they will end in peace.

Whether the exchange projected between the Emperor and Elector of Bavaria, or the pretensions of the former, in his line of demarcation with the Ottoman Porte, will produce war, is yet uncertain. If either of them does, this country will probably take part in it to prevent a dangerous accession of power to the house of Austria. The zeal with which they have appeared to negotiate a peace between Holland and the Empire, seems to prove that they do not apprehend being engaged in war against the Empire or any other Power, because, if they had such an apprehension, they would not wish to deprive themselves of the assistance of the Dutch; and their opinion on this subject is better evidence than the details we get from the newspapers, and must weigh against the affected delays of the Porte, as to the line of demarcation, the change in their Ministry, their preparations for war, and other symptoms of like aspect.

This question is not altogether uninteresting to us. Should this country be involved in a continental war, while differences are existing between us and Great Britain, the latter might carry less moderation into the negotiations for settling them.

I send you herewith the gazettes of Leyden and that of France for the last two months. The latter, because it is the best in this country; the former, as being the best in Europe. The *Courier de l'Europe* you will get genuine from London; as reprinted here it is of less worth.

Should your knowledge of the newspapers of this country lead you to wish for any other, I shall take the greatest pleasure in adding to the regular transmissions of the two others which I shall make you in future.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, September 14, 1785.

Dear Sir,

Your joint letters of the 11th November and December, 1784, were received by Congress. I have had the honor of receiving other joint ones of 9th February, 13th April, 11th May, and 18th June last; and also three from you, viz: two of the 11th May, and one of the 17th June last.

By the last packet, I had the pleasure of writing two letters to you of the 13th August, 1785, which I hope have come safe to your hands.

As yet I have heard nothing of or from Captain Lamb, who was the bearer of several important papers relative to our affairs with the Barbary States.

Your correspondence with Mr. Adams, doubtless, furnishes you with ample information relative to the objects of his legation. His letters to me were dated at a time when he had not yet entered on business. His reception is satisfactory, and I wish the result of his negotiations may be equally so. In my opinion we have little to expect from the liberal policy of that Court. If we obtain justice from them, my expectations will be fulfilled; but even of that I am not without my doubts.

I wish it was in my power to enter minutely into the subjects of your letters, but it is not. They still remain, with my reports on some of them, under the consideration of Congress; so that at present I am not enabled to convey to you their sentiments respecting those matters.

At present they are employed in forming a requisition for supplies. When completed you shall have a copy of it.

The affair of Longchamps is agreeably terminated. His most Christian Majesty will not persist in that demand, and the paper containing it has been returned to M. de Marbois, in consequence of a conference I had with him on that subject. I admire the wisdom of the French Minister in forbearing to press this point. It would have produced discontent without answering useful purposes. I am sure he has gained more with us by this temperate and prudent conduct than could possibly have been done by harsh and irritating measures.

Governor Rutledge declines going to Holland, so that it is yet uncertain who will succeed Mr. Adams there.

The vacant seat at the Treasury Board has been given to Mr. A. Lee. That Board is now full, and consists of Mr. Osgood, Mr. Walter Livingston, and Mr. A. Lee.

A court to decide the controversy between Massachusetts and New York, is to meet this fall at Williamsburgh. It is much to be wished that all our boundaries were adjusted; and that the vigor of Government may abate the rage for making new States out of parcels of the old, which prevails in some of them. North Carolina and this State suffer by such unauthorized proceedings, and Massachusetts has her fears. Our Federal Government wants power, and is, in many respects, inadequate to its objects. Much is expected from the ensuing sessions of the Legislature; but for my part I think the love of popularity restrains many from promoting the measures which, though essential to the public welfare, may not be pleasant to the many whose views and wishes are chiefly personal.

The papers, herewith enclosed, are a copy of a letter to me from Mr. Shaw, and a letter from me to his Excellency the President respecting it. Congress adopted the opinion I expressed in the letter, and referred it to me to take order. As both letters are particular and in detail, it would be useless to repeat in this what you will find in them.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, September 15, 1785.

Sir,

I herewith enclose a letter from Count de Vergennes, and also a copy of it for your perusal and information. Although certain circumstances have left to M. de Marbois a less share in the confidence and attachment of our people than it was in his power to have acquired, yet his conduct as Chargé d'Affaires having been unexceptionable, he merited, and has received commendation for it. He is still here, and until his departure Mr. Otto will probably postpone entering on the business of his place. The idea of Chevalier de la Luzerne's return still prevails; and I think it would be useful that he should, because it is generally thought that his private sentiments and wishes are friendly to this country. It is much in the power of Ministers to cherish or diminish harmony; and it is much to be wished that France may send none here who may be more disposed to blame than to approve. The Chevalier already possesses rank and character, and, therefore, is not exposed to temptations to endeavor to raise himself by the means of the first step he may meet with, whether clean or otherwise.

I am, dear sir, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 12, 1785.

Sir,

My last letter to you was dated the 17th of June. The present serves to cover some papers put into my hands by Captain Paul Jones. They respect an ancient matter, which is shortly this:

While Captain Jones was hovering on the coast of England, in the year 1779, a British pilot, John Jackson by name, came on board him, supposing him to be British. Captain Jones found it convenient to detain him as a pilot, and, in the action with the *Serapis*, which ensued, this man lost his arm. It is thought that this gives him a just claim to the same allowance with others who have met with the like misfortune in the service of the United States.

Congress alone being competent to this application, it is my duty to present the case to their consideration, which I beg leave to do through you.

Doctor Franklin will be able to give you so perfect a statement of all transactions relative to his particular office in France, as well as to the subjects included in our general commission, that it is unnecessary for me to enter on them. His departure, with the separate situation of Mr. Adams and myself, will render it difficult to communicate to you the future proceedings of the commission as regular as they have been heretofore. We shall do it, however, with all the punctuality practicable, either separately or jointly, as circumstances may require and admit.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM PAUL JONES TO BENJAMIN FRANKLIN.

Paris, September 23, 1785.

Sir,

I return you, enclosed, the letter addressed to you by John Jackson, pilot of Hull, dated at Hull, the 16th of October, 1780. The certificate joined with that letter is (at least in substance) a copy of the one I gave him at the Texel, after his arm had been amputated, and he had recovered. It does, however, I observe, take notice that a second pilot-boat came off from the Spurn immediately after that belonging to Jackson. I had occasion to detain both of these boats; and it was on board the second that the partner of Jackson embarked from the Bon Homme Richard, before the action with the Serapis. The second lieutenant of the Bon Homme Richard was, with twenty men, all the time of the battle on board Jackson's pilot-boat at a distance, and when I found it impossible to prevent the Bon Homme Richard from sinking, Jackson's pilot-boat was of singular service in saving the men, particularly the wounded, some of whom I am persuaded would have been drowned, had I been without that means of saving them.

Humanity and justice require that I should earnestly recommend that unfortunate man, John Jackson, for a reward for the important service he performed, and the great loss and suffering he sustained.

I thought, and I think still he merited half pay as a pilot in the service of the United States, which I believe is six dollars per month.

I have the honor to be, &c.,

PAUL JONES.

FROM JOHN JACKSON TO THE AMERICAN AMBASSADOR AT THE
COURT OF FRANCE.

Hull, October 16, 1780.

Sir,

This is to certify by the copy you will receive, enclosed, that John Jackson, a pilot of the town of Kingston-upon-Hull, in England, was on board Captain Paul Jones in the action of 22d September, 1779, in which the said John Jackson, the pilot, had the misfortune to lose an arm in the action, therefore Mr. Paul Jones gave John Jackson an hundred ducats, and, at the same time, promised him that he should be paid by the American Ambassador at the Court of France half pay of a pilot the remainder of his life, to commence from the 22d day of September, 1779, payable every six months, therefore humbly begs you will take his case into consideration, that he may be paid agreeably to Mr. Paul Jones's writing, as he is rendered incapable of getting bread for his poor family.

Witness his hand this 16th October, 1780.

Who is, sir, &c.,

his

JOHN × JACKSON.

Witness:

mark.

BENJAMIN LISTER,

WILLIAM ANDREW.

N. B. The Mayor of this town has taken the real writing from me, by which me and my family are very much distressed.

his

JOHN × JACKSON.

mark.

If it please your Excellency to send me anything at present, I shall be obliged to you to direct it for John Jackson, to be left for him at Captain Ary de Jong, one of the Hull traders at Ostend.*

* For letter of Dr. Franklin, and other papers on this subject, see page 419 et seq. of this volume.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, November 2, 1785.

Sir,

My last to you was of the 15th September, since which I have been honored with yours of the 12th July, by Doctor Franklin. He arrived at Philadelphia in as good health as when he left France; but travelling by land being painful to him, we have not had the pleasure of seeing him here.

We have been for some time past looking in vain for a French packet. Late advices of the Algerines having commenced hostilities against the United States make us anxious to receive letters from you, and to know whether Captain Lamb is still absent. Duplicates of the papers he was charged with will be sent to-morrow to Mr. Adams by a passenger in the English packet.

The English give us some trouble on our Eastern borders, the true river St. Croix is disputed, and they wish to extend their jurisdiction to lands actually held by Massachusetts. Mr. Adams has instructions to represent this matter to the British Court, and endeavor to get the dispute amicably terminated.

Our frontier posts still remain occupied by British garrisons, nor are we informed when they will be evacuated.

The late requisition of Congress has been sent you; another copy and the subsequent public papers accompany this. The measures of the Legislatures at their ensuing sessions will be very interesting, and you shall be informed of them.

The convention respecting Consuls still lays before Congress, and I have as yet no orders on that subject.

Mr. Houdon is the bearer of this. Congress think of employing him, but he is not prepared to make an estimate of the expense of the statue they have voted, so that this matter must rest for the present.

A Federal court, to decide the claims of Massachusetts on the part of New York, is forming, and there is reason to hope that disagreeable business will be finally concluded.

I have the honor to be, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 14, 1785.

Sir,

I was honored, on the 22d ultimo, with the receipt of your letter of June 15th, and delivered the letter therein enclosed, from the President of Congress, to the King. I took an opportunity of asking the Count de Vergennes whether the Chevalier Luzerne proposed to return to America? He answered me that he did, and that he was here for a time, only to arrange his private affairs. Of course this stopped my proceeding further, in compliance with the hint in your letter. I knew that the Chevalier Luzerne still retained the character of Minister to Congress, which occasioned my premising the question I did. But notwithstanding the answer, which, indeed, was the only one the Count de Vergennes could give me, I believe that it is not expected that the Chevalier will return to America; that he is waiting an appointment here to some of their embassies, or some other promotion, and in the meantime, as a favor, is permitted to retain his former character. Knowing the esteem borne him in America, I did not suppose it would be wished that I should add anything which might occasion an injury to him, and the rather as I presumed that at this time there did not exist the same reason for wishing the arrival of a Minister in America, which perhaps existed there at the date of your letter.

Count Adhemar has just arrived from London, on account of a paralytic disease with which he has been struck. It does not seem improbable that his place will be supplied, and perhaps by the Chevalier de la Luzerne.

A French vessel has lately refused the salute to a British armed vessel in the Channel. The Chargé d'Affaires of Great Britain at this Court (their Ambassador having gone to London a few days ago) made this the subject of a conference with the Count de Vergennes on Tuesday last. He told me that the Count explained the transaction as the act of the individual master of the French vessel, not founded in any public orders. His earnestness and his endeavors to find terms sufficiently soft to express the Count's explanation, had no tendency to lessen any doubts I might have entertained on this subject. I think it possible the refusal may have been by order; nor can I believe that Great Britain is in a condition to resent it if it

was so. In this case we shall see it repeated by France, and the example will then be soon followed by other nations.

The news writers bring together this circumstance with the departure of the French Ambassador from London, and the English Ambassador from Paris, the manœuvring of a French fleet just off the Channel, the collecting some English vessels of war in the Channel, the failure of a commercial treaty between the two countries, a severe *arrêt* here against English manufactures, as foreboding war.

It is possible that the fleet of manœuvre, the refusal of the salute, and the English fleet of observation, may have a connexion with one another. But I am persuaded the other facts are totally independent of these and of one another, and are accidentally brought together in point of time. Neither nation is in a condition to go to war—Great Britain, indeed, the least so of the two. The latter Power, or rather its monarch, as Elector of Hanover, is lately confederated with the King of Prussia and others of the Germanic body, evidently in opposition to the Emperor's designs on Bavaria. An alliance, too, between the Empress of Russia and Republic of Venice, seems to have had him in view, as he had meditated some exchange of territory with that Republic.

This desertion of the Powers heretofore thought friendly to him, seems to leave no issue for his ambition but on the side of Turkey. His demarcation with that country is still unsettled. His difference with the Dutch is certainly agreed. The articles are not yet made public; perhaps not quite adjusted. Upon the whole, we may count on another year of peace in Europe, and that our friends will not within that time be brought into any embarrassments which might encourage Great Britain to be difficult in settling the points still unsettled between us.

You have doubtless seen in the papers that this Court was sending two vessels into the South Sea, under the conduct of a Captain Peyrouse. They give out that the object is merely for the improvement of our knowledge of the geography of that part of the globe, and certain it is that they carry men of eminence in different branches of science. Their lading, however, as detailed in conversation, and some other circumstances, appeared to me to indicate some other design; perhaps that of colonizing on the western coast of America, or perhaps only to establish one or more factories there for the fur trade.

We may be little interested in either of these objects ; but we are interested in another, that is to know whether they are perfectly weaned from the desire of possessing continental colonies in America. Events might arise which would render it very desirable for Congress to be satisfied they have no such wish. If they would desire a colony on the western side of America, I should not be quite satisfied that they would refuse one which should offer itself on the eastern side. Captain Paul Jones being at L'Orient, within a day's journey of Brest, where Captain Peyrouse's vessels lay, I desired him, if he could not satisfy himself at L'Orient of the nature of this equipment, that he would go to Brest for that purpose, conducting himself so as to excite no suspicion that we attended at all to this expedition. His discretion can be relied on, and his expenses for so short a journey will be a trifling price for satisfaction on this point. I hope, therefore, that my undertaking, that the expenses of his journey shall be reimbursed him, will not be disapproved.

A gentleman lately arrived from New York tells me that he thinks it will be satisfactory to Congress to be informed of the effect produced here by the insult of Longchamps to Monsieur de Marbois. Soon after my arrival in France last summer, it was the matter of a conversation between the Count de Vergennes and myself. I explained to him the effect of the judgment against Longchamps ; he did not say that it was satisfactory, but neither did he say a word from which I could collect that it was not satisfactory. The conversation was not official, because foreign to the character in which I then was. He has never mentioned a word on the subject to me since, and it was not for me to introduce it at any time. I have never once heard it mentioned in conversation by any person of this country, and had no reason to suppose that there remains any uneasiness on the subject. I have, indeed, been told that they have sent orders to make a formal demand of Longchamps from Congress, and had immediately countermanded these orders. You know whether this be true ; if it be, I should suspect the first orders to have been surprised from them by some exaggeration, and that the latter was a correction of their error in the moment of further reflection. Upon the whole there certainly appears to me no reason to urge the State in which the fact happened to any violation of their laws, nor to set a precedent which might hereafter be used in cases more interesting to us than the late one.

In a late conversation with the Count de Vergennes, he asked me if the condition of our finances was improving. He did not make an application of the question to the arrearages of their interest, though perhaps he meant that I should apply it. I told him the impost still found obstacles, and explained to him the effects which I hoped from our land office.

Your letter of the 15th of April did not come to hand till the 27th ultimo.

I enclose a letter from Mr. Dumas to the President of Congress, and accompany the present with the Leyden Gazettes, and Gazette of France, from the date last sent you to the present time.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 14, 1785.

Sir,

The letter of June 18th, signed by Dr. Franklin and myself, is the last addressed to you from hence on the subjects of the general commission.

As circumstances rendered it necessary that the signature of the Prussian treaty, whenever it should be in readiness, should be made separately, the intervention of a person of confidence between the Prussian Plenipotentiary and us became also requisite. His office would be to receive the duplicates of the treaty here, signed by Doctor Franklin and myself, to carry them to London to Mr. Adams, and to the Hague to Baron Thulemeier, for their signatures. Moreover, to take hence the original of our full powers to show to Baron Thulemeier, and the copy of his, which he had before communicated to us, to ask from him a sight of the original, to compare the copy with it, and certify the latter to be true.

Mr. Adams, Dr. Franklin, and myself, therefore, had concluded to engage Mr. Short (a gentleman of Virginia, who lives with me at present) to transact this business, and to invest him with the character of Secretary *pro hac vice*, in order that his signature of the truth of the copy of Baron Thulemeier's full power might authenticate that copy.

On the receipt of the letter No. 1, therefore, from that Minister, Mr. Short set out hence with the necessary papers. By a letter lately received from him, I expect he left London for the Hague about the 10th instant, and that the treaty is ultimately executed by this time. In respect to the desire expressed by Baron Thulemeier in the letter, we associated Mr. Dumas with Mr. Short, to assist in the exchange of signatures and other ceremonies of execution. We agreed to bear Mr. Short's expenses, and have thought that a guinea a day (Sundays excluded) would be a proper compensation for his trouble, and the necessary equipments for his journey which could not enter into the account of travelling expenses. I hope by the first safe conveyance to be able to forward to you the original of the treaty.

No. 2 is my answer to Baron Thulemeier's letter; No. 3, our instructions to Mr. Short; and No. 4, our letter to Mr. Dumas.

Mr. Lamb's delay gives me infinite uneasiness.

You will see by the enclosed papers, Nos. 5, 6, and 7, sent me by Mr. Carmichael, that the Emperor of Morocco, at the instance of the Spanish Court, has delivered up the crew of the *Betsey*.

No. 8, also received from Mr. Carmichael, is a list of articles given the Emperor of Morocco the last year by the States General.

It is believed that the Spanish negotiator at Algiers has concluded a peace with that State, and has agreed to give them a million of dollars, besides a very considerable quantity of things in kind.

The treaty meets with difficulties in the ratification; perhaps the exorbitance of the price may occasion them. Rumors are spread abroad that they are pointing their preparations at us. The enclosed paper, No. 9, is the only colorable evidence of this which has come to my knowledge. I have proposed to Mr. Adams that if Mr. Lamb does not come either in the French or English packet then (August 6) next expected, to send some person immediately to negotiate these treaties, on the presumption that Mr. Lamb's purpose has been changed. We shall still be at a loss for the instructions of which he is said to have been the bearer. I expect Mr. Adams's answer on the subject.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, July 19, 1785.

Sir,

The King has perfectly approved the plan of a treaty of commerce and amity with the United States of America, which has been the result of our common cares, and in the manner described at the end of the last letter with which you honored me, dated 26th May of the present year.

His Majesty is, moreover, willing that, agreeable to your proposition, sir, and that of your colleagues, the duration of the said treaty be in the first instance fixed to ten years; and it is in consequence of my instructions that the term mentioned in the 27th article has been expressed. He orders me now to proceed to the required signature with the Ministers of the United States of America, and to direct, with their good pleasure, the introduction conformable to that which has been used in the treaty of commerce concluded with the King of Sweden.

The copy of the treaty herewith, which I purpose signing in conformity to my full powers, comprehends these different objects; and it only remains for me to remind you, sir, of the proposition which I took the liberty of making to you in my letter dated the 17th of June, to authorize Mr. Dumas, Chargé d'Affaires, to proceed with me to the usual exchange.

The King only waits for the copy to which the American Plenipotentiaries shall have affixed their signatures, to despatch this ratification in the usual manner.

I have the honor to be, &c.,

DE THULEMEIER.

P. S. Shall I take the liberty of requesting you, sir, to forward to America the letter herewith for General de Steuben? It was sent to me by one of his female relations.

—o—

FROM THOMAS JEFFERSON TO THE BARON DE THULEMEIER.

Paris, July, 1785.

Sir,

I was honored with the receipt of your letter on the 24th instant, together with the French draft of the treaty proposed as it ultimately

meets his Majesty's approbation. Doctor Franklin, our colleague, having assisted us through the progress of this business, we were desirous he also should join in the execution. Duplicate instruments were therefore prepared, each divided into two columns, in one of which we entered the English form as it had been settled between us, leaving the other blank to receive the French, which we expected from you. In this state the Doctor, before his departure, put his signature and seal to the two instruments. We have since put into the blank column the French form received from you, *verbatim*. As we thought that such instruments should not be trusted out of confidential hands, and the bearer thereof, William Short, Esq., heretofore a member of the Council of the State of Virginia, happened to be in Paris, and willing to give us his assistance herein, they are delivered into his hands, with other necessary papers, according to an arrangement previously made between Mr. Adams, Dr. Franklin, and myself. He will proceed to London to obtain Mr. Adams's signature, and thence to the Hague, where we have, according to your desire, associated Mr. Dumas with him, to concur with you in the final execution.

It is with singular pleasure I see this connexion formed by my country with a sovereign whose character gives a lustre to all the transactions of which he makes a part.

I have the honor to be, &c.,

TH: JEFFERSON.



INSTRUCTIONS FROM JOHN ADAMS AND THOMAS JEFFERSON TO
WILLIAM SHORT.

Sir,

A treaty of amity and commerce between the United States and his Majesty the King of Prussia having been arranged with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our duties to repair to that place ourselves for the purpose of executing and exchanging the instruments of treaty, we hereby appoint you special secretary for that purpose.

You receive from Colonel Humphreys, Secretary of our Legation, the original of our full powers, and a copy of the same attested by him, the full power heretofore communicated to us by the Baron de Thulemeier, and the two instruments of treaty arranged between us,

each in two columns, the one in English and the other in French, equally originals. From us you receive a letter to Charles Dumas, Esq., for the United States at the Hague, associating him with you in the objects of your mission.

You will proceed immediately to the Hague, and being arrived there will deliver the letter to Mr. Dumas, and proceed conjunctively with him in the residue of your business, which is to be executed there.

The original of our full powers is to be exhibited to the Plenipotentiary of his Majesty the King of Prussia, and the attested copy is to be left with him, you taking back the original. You will in like manner ask an exhibition of the original of his full powers, and also a copy duly attested. You will compare the copy with the original, and being satisfied of its exactness, you will return the original and keep the copy. That you may be under no doubt whether the full powers exhibited to you be sufficient or not, you will receive from Colonel Humphreys those which the Baron de Thulemeier heretofore sent to us. If those which shall be exhibited agree with these in form or substance, they will be sufficient.

The full powers being approved on each side, and exchanged, you will obtain the signature and seal of the Prussian Plenipotentiary to the two instruments of treaty with which you are charged, and yourself and Mr. Dumas will attest the same. One of those original instruments will remain in the hands of the Prussian Plenipotentiary, the other you will retain.

You will ask that the ratification of his Majesty the King of Prussia be made known to us as soon as it shall have taken place, giving an assurance on our part that that of Congress shall also be communicated so soon as it shall have taken place—when both ratifications shall be known, measures may be concerted for exchanging them. You will confer with the said Plenipotentiary on the expediency of keeping this treaty uncommunicated to the public until the exchange of ratifications, and agree accordingly. You will then return to Paris, and redeliver to the Secretary of our Legation our original full powers, the copies of those of Prussia beforementioned, and the original instrument of the treaty which you shall have retained.

(London.)
(Paris.)

JOHN ADAMS,
TH: JEFFERSON.

INSTRUCTIONS FROM JOHN ADAMS AND THOMAS JEFFERSON TO
CHARLES DUMAS.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia having been arranged by us with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose; and it being inconsistent with our other duties to repair to that place ourselves, for the purpose of executing and exchanging the instruments of treaty, we have delivered the same, duly executed on our part, to the bearer hereof, William Short, Esq., to be by him carried, with other necessary papers, to the Hague.

When arrived there, we ask and authorize you to manage, in conjunction with him, the execution and exchange of the instruments of treaty, according to the instructions he receives from us, and will communicate to you.

Your former attention to the interests of the United States, and readiness to promote them, give us assurance that you will not withhold them on the present occasion.

We have the honor to be, &c.,

JOHN ADAMS,
TH: JEFFERSON.



FROM MR. CARMICHAEL TO THOMAS JEFFERSON.

Cadiz, July 19, 1785.

Sir,

I have now the pleasure to advise you that the captain and crew of the brig *Betsy* arrived here yesterday from Barbary, with Mr. Salinas, and were immediately delivered to me, to be disposed of as I, in my *consular* capacity, may judge proper. They have already cost me a good deal of money, and must cost me more before they can be shipped off, which will be as soon as possible. It seems to me the public is justly liable for all these charges. However, since the Commissioners are of a different opinion, we must see what can be done at home. I this morning waited on Mr. Salinas, to return him thanks, in the best Spanish I could muster, for the friendly interposition of his Majesty and his own conduct in this affair. He

received me very politely, and desired me to inform you of what he had done, adding that he had recommended the United States in a particular manner to the Emperor, who, however, must have an Envoy and presents from them soon, or he will not be our friend. The brig was also ordered to be delivered up, but the captain informs me she is gone to wreck, and can never be refitted for sea except at a greater expense than she is worth. I shall endeavor to get what is remaining of the cargo. I am alarmed on account of the Algerines. Their peace with Spain has opened a large field to their piracies. Several of their cruisers are out, and I hear that thirteen prizes have already passed the straits, chiefly Portuguese, I imagine.

The Americans, I hope, are too much frightened already to venture any vessels this way, especially during the summer. They run some risk, however, even in the more northern latitudes.

FROM LOUIS GOUBLOT TO WILLIAM CARMICHAEL, CHARGÉ D'AFFAIRES
OF THE UNITED STATES OF AMERICA TO HIS CATHOLIC MAJESTY.

Translation.

Sallee, June 25, 1785.

Sir,

I have the honor to inform you, with very great pleasure, that in consequence of what I hinted in my last, of the 10th instant, to Mr. Harrison, his Majesty the Emperor of Morocco has liberated Captain Erwin and his whole crew, whom he made a present of to Don Francisco de Salinas y Monino, his Catholic Majesty's Envoy to his Imperial Majesty of Morocco, with order that the vessel and cargo should be restored to the captain, who arrived here yesterday from Morocco. He is to set out the day after to-morrow for Tangiers, under the escort of the Spanish Ambassador.

His Majesty the Emperor of Morocco has, moreover, ordered that the Americans should be clothed for their passage here, which has been performed, by furnishing each of them with cloth for a complete suit.

Allow me to give my opinion of the motives which have induced the Emperor of Morocco to act so generously towards the United States.

Mr. Webster Blount, the Dutch Consul General, had requested of him the American captives. He refused him, telling him that he should only interest himself in behalf of his own nation. It was reasonable to conclude from this that the Emperor was not disposed to release his prisoners so soon, notwithstanding he released them without ransom in another way. This is a political stroke of the African monarch, who, in my opinion, may be actuated by two different motives, although at the same time for his own particular benefit. He may, in the first place, flatter himself that, by behaving generously on the present occasion, he will, by that means, convince all the Christian Powers that a Mahometan Prince is as susceptible of humanity and civility as the most polished nation of Europe. For nothing more flatters the grandeur of this sovereign than when he is praised on account of his generosity towards the Christians; yet, notwithstanding, he never loses sight that by treating the Europeans in general well, he obtains more profit than by using them ill.

He may, in the second place, persuade himself that the United States will not fail to treat with him; and that when they shall see that he has acted thus towards the Americans, they will the more earnestly seek his friendship, in a manner that will be beneficial to him.

However, I still continue to think that unless Congress speedily makes amicable propositions to this sovereign, it will be no matter of surprise that his corsairs commit fresh acts of hostility against the American vessels. However that may be, if hereafter you should conceive me of any use in the affairs that may happen between the United States and Morocco, I can only take the liberty of again offering myself, with the same zeal that I have already done, and whilst I wait your Excellency's orders to continue or suspend my correspondence on this subject,

I have the honor, &c.,

LOUIS GOUBLOT.



FROM THE COUNT DE FLORIDA BLANCA TO WILLIAM CARMICHAEL.

Translation.

Sir,

Lieutenant Colonel Don Francisco Salinas y Monino, whom the King has appointed his Envoy Extraordinary and Minister Plenipo-

tentiary at the Court of the King of Morocco, informs me by letter, dated the 15th June, that, having applied to his Majesty to order the Americans whom he detained as prisoners to be delivered to him, that Prince had granted it, and also the vessel in which they were taken, saying that he wished to make peace with the United States of America, by the mediation of the King of Spain.

I postponed giving you this information until I could confirm it by the actual delivery of those Americans and their vessel to the aforesaid Minister. He advises me, on the 9th July, that it was done, and that he had received ten Americans, with their clothing, and also the brigantine, but in a state not to be navigated. I communicate this to you, adding that the said Americans are now at Cadiz, at the disposition of their Consul, who should also give orders respecting the brigantine left at Tangier.

The King derived much pleasure from the successful issue of this negotiation, in which his Majesty has taken the part which you have seen in order to give the United States this further proof of his *friendship and good will*, and his Majesty remains disposed to continue them on the occasions which may arise from this subject, (in case the United States should determine to avail themselves of this overture of the King of Morocco, and authorize you for it,) and also upon all other occasions interesting to those Republics.

Translation.

LIST OF PRESENTS MADE BY THE STATES GENERAL TO THE EMPEROR
OF MOROCCO, 1784.

69 masts, from 50 to 91 feet in length.

24 poles, from 36 to 54 do.

15 cables, from 10 to 14 inches circumference, and 120 fathoms long.

15 do. from 6 to 8 do., 100 fathoms long.

97 different pieces large cordage.

160 pieces smaller do., 100 fathoms each.

10 tarred do., 2½ inches, 100 fathoms.

150 balls of coarse twine.

300 dozen cords of 6 and 8 threads.

18 sounding lines.

- 1,000 fathoms from 2 to 42 threads.
- 50 pieces iron cannon, 6 pounders, with carriages, and 1,500 bullets.
- 12 anchors, from 1,150 to 1,550 cwt.
- 6 kedge anchors.
- 3 small do.
- 220 pieces sail cloth, containing 10,560 ells.
- 45 do. finer, do. 4,057 do.
- 20 do. Flemish cloth, do. 8,832 do.
- 60 skeins twine.
- 1,450 assorted pullies.
- 100 pieces of wood for oars.
- 9 large pieces for pumps.
- 20 pieces for smaller do.
- 51 chests, with different utensils and tools for the artillery, carpenters, and calkers.
- 12 quadrants.
- 27 sea charts.
- 12 compasses.
- 26 hour-glasses.
- 50 dozen sail needles.
- 3 large lanthorns, and 30 small.
- 6 sounding leads, from 12 to 18.
- 24 tons pitch.
- 10 pieces brass 24-pounders.
- 10 do. 18 carriages, and 200 bullets, 24lb.
- 200 shot, 18lb.
- 300 casks of different sizes.

EXTRAORDINARY PRESENTS.

- 2 pieces scarlet.
- 2 do. green cloth.
- 1 do. do.
- 1 do. blue do.
- 2 do. white do.
- 1 barrel, containing 280 loaves sugar, 1,072 lbs.
- 1 chest, 100 lbs. tea.

2 sets India porcelain.
1 case, containing 24 large China bowls.
50 pieces muslin.
3 clocks.
1 very large watch.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, December 7, 1785.

Sir,

The last letter I have had the pleasure of receiving from you is dated the 14th August last. My last to you is dated the 2d ultimo, by Mr. Houdon, who, I hope, has by this time safely arrived. Nothing of importance has since occurred except the arrival of Mr. Temple, respecting whom I enclose a copy of an act of Congress of 2d instant.

With great esteem, &c.,

JOHN JAY.

You will herewith receive a packet of newspapers.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, January 19, 1786.

Sir,

Since my last of 7th December ultimo, and indeed for some time before that, Congress has been composed of so few States actually represented, as not to have it in their power to pay that attention to their foreign affairs which they would doubtless have otherwise done. Hence it has happened that no resolutions have been entered into on any of the important subjects submitted to their consideration. This obliges me to observe a degree of reserve in my letters respecting subjects which I wish to be free from, but which is nevertheless necessary, lest my sentiments and opinions should be opposed to those which they may adopt and wish to impress.

There is reason to hope that the requisition will be generally complied with. I say generally, because it is not quite clear that every State, without exception, will make punctual payments, although a disposition prevails to enable Congress to regulate trade.

Yet I am apprehensive that, however the propriety of the measure may be admitted, the manner of doing it will not be with equal ease agreed to.

It is much to be regretted that the confederation has not been so formed as to exclude the necessity of all such kinds of questions. It certainly is very imperfect, and I fear it will be difficult to remedy its defects until experience shall render the necessity of doing it more obvious and pressing.

[Several lines were here written in cyphers, of which the following is the explication :]

Does France consider herself bound by her guarantee to insist on the surrender of our posts? Will she second our remonstrances to Britain on that head? I have no orders to ask these questions, but I think them important. Spain insists on the navigation of the great river, and that renders a treaty with her uncertain as yet.

Among the public papers herewith sent you will find the speech of the Governor of New York to the Legislature, and the answer of the Senate. A spirit more federal seems to prevail than that which marked their proceedings last year. You will also perceive from the papers that Massachusetts begins to have troubles similar to those which this State experienced from Vermont; North Carolina suffers the like evils, and from the same causes. Congress should have recollected the old maxim, *obsta principiis*.

I wish the negotiations with the Barbary Powers may prove successful, because our country in general desires peace with them. For my part I prefer war to tribute, and that sentiment was strongly expressed in my report on that subject.

Our Indian affairs do not prosper. I fear Britain bids higher than we do. Our surveys have been checked, and peace with the savages seems somewhat precarious. That department might, in my opinion, have been better managed.

With great and sincere respect, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 30, 1785.

Sir,

I had the honor of writing to you on the 14th instant, by a Mr. Cannon, of Connecticut, who was to sail in the packet. Since that

date, yours of July 13th is come to hand. The times for the sailing of the packets being somewhat deranged, I avail myself of a conveyance of the present by the Messrs. Fitzhugh, of Virginia, who expect to land at Philadelphia.

I enclose you a correspondence which has taken place between the Mareschal de Castries, Minister of the Marine, and myself. It is on the subject of the prize money due to the officers and crew of the Alliance, for prizes taken in Europe under the command of Captain Jones. That officer has been, under the direction of Congress, nearly two years soliciting the liquidation and payment of that money. Infinite delays had retarded the liquidation till the month of June. It was expected when the liquidation was announced to be completed, that the money was to be received. The M. de Castries doubted the authority of Captain Jones to receive it, and wrote to me for information. I wrote him the letter dated July 10th, which seemed to clear away that difficulty. Another arose—a Mr. Puchelberg presented powers to receive the money. I wrote then the letter of August 3d, and received that of M. de Castries of August 12th, acknowledging he was satisfied as to this difficulty, but announcing another, to wit: that possibly some French subjects might have been on board the Alliance, and therefore that Captain Jones ought to give security for the repayment of their portions. Captain Jones had before told me that there was not a Frenchman on board that vessel but the captain. I inquired of Mr. Barclay; he told me he was satisfied there was not one.

Here then was a mere possibility, a shadow of a right, opposed to a certain, to a substantial one, which existed in the mass of the crew, and which was likely to be delayed; for it could not be expected that Captain Jones could, in a strange country, find the security required. These difficulties I suppose to have been conjured up, one after another, by Mr. Puchelberg, who wanted to get hold of the money. I saw but one way to cut short these everlasting delays, which were ruining the officer soliciting the payment of the money, and keeping our seamen out of what they had hardly fought for years ago. This was to undertake to ask an order from Congress for the payment of any French claimants, by their banker in Paris, and in the meantime to undertake to order such payment, should any such claimant prove his title, before the pleasure of Congress should be made known to me. I consulted with Mr.

Barclay, who seemed satisfied I might venture this undertaking, because no such claim could be presented. I therefore wrote the letter of August 17th, and received that of August 26th, finally closing this tedious business.

Should what I have done not meet the approbation of Congress, I would pray their immediate sense, because it is not probable that the whole of this money will be paid so hastily, but that their orders may arrive in time to stop a sufficiency for any French claimants who may possibly exist. The following paragraph of a letter from Captain Jones, dated "L'Orient, August 24, 1785," further satisfies me that my undertaking amounted to nothing in fact. He says "it 'is impossible that any legal demands should be made on you for 'French subjects, in consequence of your engagement to the Mare-schal. The Alliance was manned in America, and I never heard 'of any persons having served on board that frigate who had been 'born in France, except the Captain, who, as I was informed, had 'in America abjured the Church of Rome, and been naturalized."

Should Congress approve of what I have done, I will then ask their resolution for the payment, by their banker here, of any such claims as may be properly authenticated, and will, moreover, pray of you an authentic roll of the crew of the Alliance, with the sums to be allowed to each person. On the subject of which roll, Captain Jones, in the letter abovementioned, says: "I carried a set of the 'rolls with me to America, and before I embarked in the French 'fleet at Boston, I put them into the hands of Mr. Secretary 'Livingston, and they were sealed up among the papers of his office 'when I left America." I think it possible that Mr. Puchelberg may excite claims. Should any name be offered which shall not be found on the roll, it will be a sufficient disproof of the pretension. Should it be found on that roll, it will remain to prove the identity of the person, and to inquire if payment may not have been made in America. I conjecture from the Journals of Congress of June 2d that Landais, who, I believe, was the captain, may be in America. As his portion of prize money may be considerable, I hope it will be settled in America, where only it can be known whether any advances may have been made him.

The person at the head of the post office here says he proposed to Doctor Franklin a convention to facilitate the passage of letters through their office and ours, and that he delivered a draft of the

convention proposed, that it might be sent to Congress. I think it possible he may be mistaken in this, as, on my mentioning it to Doctor Franklin, he did not recollect any such draft having been put into his hands. An answer, however, is expected by them. I mention it that Congress may decide whether they will make any convention on the subject, and on what principle. The one proposed here was, that for letters passing hence into America, the French postage should be collected by our post offices, and paid every six months; and for letters coming from America here, the American postage should be collected by the post offices here, and paid to us in like manner. A second plan, however, presents itself: that is, to suppose the sums to be thus collected on each side will be equal, or so nearly equal, that the balance will not pay the trouble of keeping accounts, and the little bickerings that the settlement of accounts and demands of the balances may occasion, and, therefore, to make an exchange of postage. This would better secure our harmony, but I do not know that it would be agreed to here; if not, the other might then be agreed to.

I have waited hitherto, supposing that Congress might possibly appoint a secretary to the legation here, or signify their pleasure that I should appoint a private secretary to aid me in my office. The communications between the Ministers and myself requiring often that many and long papers should be copied, and that in a shorter time than could be done by myself, were I otherwise unoccupied, with other correspondences and proceedings, of all which copies must be retained, and still more, the necessity of having some confidential person who, in case of any accident to myself, might be authorized to take possession of the instructions, letters, and other papers of the office, have rendered it absolutely necessary for me to appoint a private secretary. Colonel Humphreys finds full occupation, and often more than he can do, in writing and recording the despatches and proceedings of the general commissions. I shall, therefore, appoint Mr. Short, on his return from the Hague, with an express condition that the appointment shall cease whenever Congress shall think proper to make any other arrangement. He will, of course, expect the allowance heretofore made to the private secretaries of the Ministers, which, I believe, has been a thousand dollars a year.

An improvement is made here in the construction of the musket, which it may be interesting to Congress to know, should they at any

time propose to procure any. It consists in the making every part of them so exactly alike, that what belongs to any one may be used for every other musket in the magazine. The Government here has examined and approved the method, and is establishing a large manufactory for the purpose. As yet, the inventor has only completed the lock of the musket on this plan. He will proceed immediately to have the barrel, stock, and their parts executed in the same way. Supposing it might be useful to the United States, I went to the workman; he presented me the parts of fifty locks taken to pieces, and arranged in compartments. I put several together myself, taking pieces at hazard as they came to hand, and they fitted in the most perfect manner. The advantages of this, when arms need repair, are evident.

He effects it by tools of his own contrivance, which at the same time abridge the work, so that he thinks he shall be able to furnish the musket two livres cheaper than the common price. But it will be two or three years before he will be able to furnish any quantity. I mention it now, as it may have influence on the plan for furnishing our magazines with this arm.

Everything in Europe remains as when I wrote you last.

The peace between Spain and Algiers has the appearance of being broken off.

The French packet being arrived without Mr. Lamb, or any news of him, I await Mr. Adams's acceding to the proposition mentioned in my last.

I send you the gazettes of Leyden and France to this date, and have the honor to be, &c.,

TH: JEFFERSON.



Copy of a Letter from Thomas Jefferson to the Mareschal de Castries, in answer to one received from him desiring to know how far Captain Jones was authorized to receive the prize money due to the crew of the Alliance.

Paris, July 10, 1785.

Sir,

I am honored with your Excellency's letter on the prize money, for which Mr. Jones applies. The papers intended to have been therein enclosed not having been actually enclosed, I am unable to say anything on their subject. But I find that Congress, on the 1st

day of November, 1783, recommended Captain Jones to their Minister here, as agent to solicit, under his direction, payment to the officers and crews for the prizes taken in Europe under his command, requiring him, previously, to give to their Superintendent of Finance good security for paying to him whatever he should receive, to be by him distributed to those entitled. In consequence of this, Captain Jones gave the security required, as it is certified by the Superintendent of Finance on the 6th of November, 1783, and received from Doctor Franklin on the 17th of December, 1783, due authority as agent to solicit the said payments.

From these documents I consider Captain Jones as agent for the citizens of the United States interested in the prizes taken in Europe under his command, and that he is properly authorized to receive the money due to them, having given good security to transmit it to the Treasury Office of the United States, whence it will be distributed under the care of Congress to the officers and crews originally entitled, or to their representatives.

I have the honor to be, &c.,

TH: JEFFERSON.



A SECOND LETTER TO THE MARESCHAL DE CASTRIES.

Paris, August 3, 1785.

Sir,

The enclosed copy of a letter from Captain John Paul Jones, on the subject which your Excellency did me the honor to write me on the day of July, will inform you that there is still occasion to be troublesome to you. A Mr. Puchelberg, a merchant of L'Orient, who seems to have kept himself unknown until money was to be received, now presents powers to receive it, signed by the American officers and crews; and this produces a hesitation in the person to whom your order was directed. Congress, however, having substituted Captain Jones as agent to solicit and receive this money, he having given them security to forward it, when received, to their Treasury, to be thence distributed to the claimants; and having, at a considerable expense of time, trouble, and money, attended it to a conclusion, are circumstances of weight, against which Mr. Puchelberg seems to have nothing to oppose but a nomination by individuals of the crew, under which he declined to act, and permitted the business to be done by another without contradiction from him.

Against him, too, it is urged that he fomented the sedition which took place among them; that he obtained this nomination from them while their minds were under ferment, and that he has given no security for the faithful payment of the money to those entitled to it. I will add to these one other circumstance, which appears to render it impossible that he should execute this trust. It is now several years since the right to this money arose; the persons in whom it originally vested were probably from different States in America; many of them must be now dead, and their rights passed on to their representatives—but who are their representatives? The laws of some States prefer one degree of relations, those of others prefer others; there being no uniformity among the States on this point. Mr. Puchelberg, therefore, should know which of the parties are dead, in what order the laws of the respective States call their relations to the succession, and in every case which of those orders are actually in existence, and entitled to the share of the deceased. With the Atlantic ocean between the principals and their substitutes, your Excellency will perceive what an inexhaustible source of difficulties, of chicanery, and of delay, this might furnish to a person who should find an interest in keeping this money as long as possible in his own hands, whereas, if it be lodged in the Treasury of Congress, they, by an easy reference to the tribunals of the different States, can have every one's portion immediately rendered to himself, if living, and if dead, to such of his relations as the laws of the particular State prefer, and as shall be found actually living. I the rather urge this course, as I foresee that it will relieve your Excellency from numberless appeals which these people will be continually making from the decisions of Mr. Puchelberg, appeals likely to perpetuate that trouble of which you have already had too much, and to which I am sorry to be obliged to add by asking a peremptory order for the execution of what you were before pleased to decide on this subject.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM CAPTAIN JOHN PAUL JONES TO THOMAS JEFFERSON.

L'Orient, July 31, 1785.

Sir,

I had the honor to write you the 29th of this month, praying you to address the Court to prevent Mr. Puchelberg, a French merchant

here, from receiving the prize money due to the subjects of the United States who served on board the squadron I commanded in Europe. I have done my duty, and, with great trouble and expense both of time and money, obtained a settlement in their favor from Government. But if Mr. Puchelberg, who has taken no trouble and been at no expense to obtain a settlement, should receive the money, the greatest part of it will never reach America, nor find its way into the pockets of the captors. Were Mr. Puchelberg the honestest man in the world, he cannot, at this distance from America, and being ignorant of the laws of the American flag, do justice to the concerned. Besides, a preference is due to the application of one Government to another for what regards the interests of its subjects, especially where it is clear that every caution has been observed for obtaining justice to each individual.

The enclosed copy of a letter, which has just now been communicated to me from Monsieur de Soulanges a MM. les Juges Consul, dated at Toulon the 14th of this month, announcing that the Algerines have declared war against the United States, is of too serious a nature not to be sent immediately to you.

This event may, I believe, surprise some of our fellow-citizens; but for my part I am rather surprised that it did not take place sooner. It will produce a good effect if it unites the people of America in measures consistent with their national honor and interest, and rouses them from that ill-judged security which the intoxication of success has produced since the Revolution.

My best wishes will always attend that land of freedom, and my pride will be always gratified when such measures are adopted as will make us respected as a great people, who deserve to be free.

I am, sir, &c.,

J. PAUL JONES.

FROM LE MARESCHAL DE CASTRIES TO THOMAS JEFFERSON.

Translation.

Versailles, August 12, 1785.

Sir,

I have received, with the letter which you did me the honor to write to me the 3d of this month, the observations of Mr. Jones on the insufficiency of the powers with which the Sieur Puchelberg is vested for taking charge of the shares of prizes due to the subjects of

the United States. From your assertion, and our reflections, I should not hesitate to confirm the orders which I have given for remitting to Mr. Jones all that is due to the Americans. But another difficulty presents itself. The Commissary *ordonnateur* at L'Orient observes to me that, notwithstanding the search which has been made, it has proved impracticable to procure an exact roll of the crew of the American frigate Alliance; and that on the very probable supposition that some Frenchmen may have served on board of that frigate, it results that, from the remission of the whole of the funds to Mr. Jones, the shares coming to the subjects of the King should be lodged in the Treasury of Congress. From this circumstance I presume that you will see the justice of requiring of Mr. Jones security to insure the payment of what may be coming to them, should any of them have embarked in the Alliance frigate.

I request the favor of you to honor me with an answer on this subject, and I have that of being, with a very sincere attachment, &c.,

LE M. DE CASTRIES.



FROM THOMAS JEFFERSON TO THE MARESCHAL DE CASTRIES.

Paris, August 17, 1785.

Sir,

I was honored yesterday with the receipt of your Excellency's letter of the 12th instant.

I have ever understood that the whole crew of the Alliance was of American citizens. But should there have been among them any subjects of his Majesty, it is but just that the repayment of their portions of the prize money should be secured. But Captain Jones being already bound to pay what he shall receive into the Treasury of the United States, I submit to your Excellency whether it will be right to require him to be answerable for moneys after they shall be put out of his power: And whether, as Congress have secured the receipt at their Treasury, it will not be shorter for them to order repayment to any subjects of his Majesty who may shew themselves justly entitled? I will immediately ask their pleasure on this subject, and solicit such orders as that every such claimant, proving his title here in the usual way, may receive immediate payment of their

banker here; and that no individual may in the meantime be delayed, should any such present their proofs before the orders are received, I will undertake to direct payment by the banker of the United States in Paris, being assured that in so doing I shall forward those views of perfect justice which Congress will carry into the distribution of this money. Should any instances arise of payment to be demanded here, I think they will be few, and the sums will of course be small.

I shall be happy if your Excellency shall think that the justice due to this part of the claimants is so sufficiently secured by those assurances as that it need not stand in the way of that which is due to the great mass of claimants who are already so much indebted for your attention to their interests. I will take the liberty of asking that I may be furnished, by the proper officer, with copies of Captain Jones's receipts for the moneys which shall be paid him, that, by transmitting them to the Treasury Board of the United States, they may know the precise sums which they are to receive through his hands. I pray you to accept my acknowledgments for your attention to this troublesome business, and assurances of the high respect and esteem with which I have the honor to be, &c.,

TH: JEFFERSON.

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FROM THE MARESCHAL DE CASTRIES TO THOMAS JEFFERSON, (IN ANSWER.)

Translation.

Versailles, August 26, 1785.

Sir,

The offer which you make in the letter you have done me the honor to write the 17th instant, smoothes away every difficulty. Since you have been pleased to engage to have paid, by the banker of the United States at Paris, whatever may be due to the French who should have served on board the American frigate Alliance, I now give orders to the Commissary at L'Orient to remit to Mr. Jones the whole sum which shall be coming to the American vessels, and to transmit to me copies of the receipts which he may take from that officer.

I have the honor to be, &c.,

LE M. DE CASTRIES.

FROM THOMAS JEFFERSON TO JOHN JAY

Paris, October 6, 1785.

Sir,

My letter of the 30th August acknowledged the receipt of yours of July 13th. Since that I have received your letter of August 13th, enclosing a correspondence between the Marquis de la Fayette and Monsieur de Calonne, and another of the same date enclosing the papers in Fortin's case. I immediately wrote to Mr. Limozin, at Havre, desiring he would send me a state of the case, and inform me what were the difficulties which suspended its decision. He has promised me, by letter, to do this as soon as possible, and I shall not fail in attention to it.

The Emperor and Dutch have signed preliminaries, which are now made public. You will see them in the papers which accompany this. They still leave a good deal to discussion. However, it is probable they will end in peace. The party in Holland, possessed actually of the sovereignty, wishes for peace that they may push their designs on the Stadtholderate. This country wishes for peace, because their finances need arrangement. The Bavarian exchange has produced to public view that jealousy and rancor between the Courts of Vienna and Berlin which existed before, though it was smothered. This will appear by the declarations of the two Courts. The demarcation between the Emperor and Turk does not advance. Still, however, I suppose neither of those two germs of war likely to open soon. I consider the conduct of France as the best evidence of this. If she had apprehended a war from either of those quarters, she would not have been so anxious to leave the Emperor one enemy the less by placing him at peace with the Dutch. While she is exerting all her powers to preserve peace by land, and making no preparation which indicates a fear of its being disturbed in that quarter, she is pushing her naval preparations with a spirit unexampled in time of peace. By the opening of the next spring she will have eighty ships of seventy-four guns and upwards ready for sea at a moment's warning, and the further constructions proposed will, probably within two years, raise the number to a hundred. New regulations have been made, too, for perfecting the classification of their seamen, an institution, which, dividing all the seamen of the nation into classes, subjects them to tours of duty by rotation, and enables them

at all times to man their ships. Their works for rendering Cherbourg a harbor for their vessels of war, and Dunkirk for frigates and privateers, now leave little doubt of success.

It is impossible that these preparations can have in view any other nation but the English. Of course they shew a greater diffidence of their peace with them than with any other Power.

I mentioned to you, in my letter of August 14th, that I had desired Captain J. P. Jones to inquire into the circumstances of Peyrouse's expedition. I have now the honor of enclosing you copies of my letter to him, and of his answer.

He refuses to accept of any indemnification for his expenses, which is an additional proof of his disinterested spirit, and of his devotion to the service of America. The circumstances are obvious, which indicate an intention to settle factories and not colonies, at least for the present. However, nothing shews for what place they are destined. The conjectures are divided between New Holland and the northwest coast of America.

According to what I mentioned in my letter of August 30th, I have appointed Mr. Short my secretary here. I enclose to you copies of my letters to him and M. Grand, which will shew to Congress that he stands altogether at their pleasure.

I mention this circumstance that, if it meets with their disapprobation, they may have the goodness to signify it immediately, as I should otherwise conclude that they do not disapprove it.

I shall be ready to conform myself to what would be most agreeable to them.

This will be accompanied by the gazettes of France and Leyden to the present date.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO J. PAUL JONES.

Paris, August 3, 1785.

Sir,

I received yesterday your favor of the 29th, and have written on the subject of it to the Mareschal de Castries this morning. You shall have an answer as soon as I receive one.

Will you be so good as to make an inquiry into all the circumstances relative to Peyrouse's expedition, which seem to ascertain

his destination, particularly what number of men and of what conditions and vocations had he on board? What animals, their species and numbers? What trees, plants, or seeds? What utensils? What merchandizes or other necessities? This inquiry should be made with as little appearance of interest in it as possible. Should you not be able to get satisfactory information without going to Brest, and it be convenient for you to go there, I will have the expenses this shall occasion you paid. Commit all the circumstances to writing, and bring them when you come yourself, or send them by a safe hand.

I am, with much respect, &c.,

TH: JEFFERSON.

FROM CAPTAIN J. PAUL JONES TO THOMAS JEFFERSON.

Paris, October 5, 1785.

Sir,

The following is the best information I am able to give you in compliance with the letter dated at Paris, the 3d of August, 1785, which you did me the honor to address to me at L'Orient.

The Boussole and the Astrolabe, two gaberts of six hundred tons each, sheathed with copper and equipped in the best manner, sailed from Brest the 1st of August, 1785, under the command of Messieurs de la Peyrouse and the Viscount de Langle, Captains in the Royal Navy.

They had on board a great variety of trees, plants, and seeds that suit the climate of France, manufactures in linen, woollen, and cotton goods, and in iron and copper, &c.; mechanical tools of all sorts; a great quantity of trinkets and toys; ploughs and all sorts of utensils and implements for agriculture, and a quantity of unwrought iron. Each ship had on board a large shallop in frames, and a million of French livres in the coins of different nations.

Each ship had also on board twenty-one soldiers drafted from the two regiments at Brest; all of whom were either mechanics or farmers.

They had on board no women, nor any animals except such as appeared to be destined for the refreshment of the crews. The crew of each ship is one hundred men, including officers and men of genius.

The King himself planned the expedition, and made out all the detail with his own hand, before he spoke a word of it to any person. His Majesty defrays the expense out of his private coffer, and is his own minister in every thing that regards the operation of his plan.

There is no doubt but the perfecting the geography of the southern hemisphere is one of his Majesty's objects in view; and it is not difficult to perceive that he has others equally worthy the attention of a great prince; one of which may be to extend the commerce of his subjects, by establishing factories at a future day for the fur trade on the northwest coast of America; and another to establish colonies in New Holland, after having well explored the coast, and made experiments on the soil of that vast island, which is situated in so happy a climate, and so contiguous to the establishments of France, in the East Indies.

I am, sir, with great respect, &c.,

J. PAUL JONES.



FROM THOMAS JEFFERSON TO WILLIAM SHORT.

Paris, September 24, 1785.

Dear Sir,

Finding the assistance of a private secretary necessary in my office, I would wish you to accept of the appointment. In this case it will be necessary for you to abandon your plans of continuing at St. Germain. I need not detail to you the ordinary business in which you will be engaged. That will open itself on you of course; but it is necessary for me particularly to authorize and instruct you, in case of any accident happening to myself, to take possession of whatever papers may be in my hands as Minister Plenipotentiary for the United States at the Court of Versailles, and to deliver them to the order of the Secretary for Foreign Affairs.

I am not able to say with certainty what is the salary allowed; but M. Grand, who paid young Mr. Franklin's, and who will pay yours also, will inform you. I think it is one thousand dollars a year. I must add that you are to expect this appointment to cease whenever Congress shall be pleased to countermand or supercede it by any other arrangement.

I am, with much esteem, &c.,

TH: JEFFERSON.

shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE VII. And to prevent entirely all disorder and violence in such cases, it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same to examine her sea-letters or passports.

ARTICLE VIII. All persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever, the people, vessel, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private-armed vessels before they are commissioned.

ARTICLE IX. All citizens of the United States taken by any of the Powers of Barbary, or their subjects, and brought into any of the ports or dominions of the Emperor of Morocco, shall be immediately set at liberty by the Emperor; and all vessels and merchandize belonging to citizens of the United States, and taken by any of the said Powers, or their subjects, and brought into any of the ports or dominions of his Majesty, shall, in like manner, be caused by his Majesty to be delivered up by the captors, without being carried out of port, and shall be faithfully restored to the said citizens owning them.

ARTICLE X. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, or needing repairs, or supplies of water, food, or other necessities, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other; or, if the armed vessels, public or private, of either party shall take such refuge for any of the same causes, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

ARTICLE XI. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominions of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same

the country, of its inhabitants, of their manner of transacting business, the recommendations from his State to Congress, of his fitness for this employment, and other information, founding a presumption that he would be approved, occasioned our concluding to send him to Algiers.

The giving him proper authorities, and new ones to Mr. Barclay, conformable to our new powers, was the subject of a new courier between Mr. Adams and myself.

He returned last night, and I have the honor of enclosing you copies of all the papers we furnished those gentlemen with, which will possess Congress fully of our proceedings herein. They are numbered from two to ten, inclusive.

The supplementary instructions to Mr. Lamb (No. 5) must rest for justification on the emergency of the case. The motives which lead to it must be found in the feelings of the human heart, in a partiality for those sufferers who are of our own country, and in the obligations of every Government to yield protection to their citizens as the consideration for their obedience. It will be a comfort to know that Congress does not disapprove of this step.

Considering the treaty with Portugal as among the most interesting to the United States, I some time ago took occasion at Versailles to ask of the Portuguese Ambassador, if he had yet received from his Court an answer to our letter. He told me he had not, but that he would make it the subject of another letter. Two days ago his *Secrétaire d'Ambassade* called on me with a letter from his Minister to the Ambassador, in which was the following paragraph as he translated it to me, and I committed it to writing from his mouth: "In relation to the information which your Excellency gave us as to the conversation with the American Minister, that Power should be already persuaded that in effect from the manner in which their ships have been received here, it follows, as a consequence, that his Majesty would have great satisfaction in maintaining perfect harmony and good correspondence with the United States. But it would appear proper to begin by the reciprocal nomination, by the two parties, of persons bearing at least the character of agents, who would mutually inform their constituents of whatever might lead to the knowledge of the interests of the two nations without prejudice to either. It is the first step which appears suitable to be taken to attain the end proposed."

By this it would seem that this power is more disposed to pursue a train of negotiation similar to that which Spain has done. I consider this answer as definitive of all further measures under our commission to Portugal. That to Spain was superseded by proceedings in another line; that to Prussia is concluded by actual treaty; to Tuscany will probably be so; and perhaps to Denmark; and these, I believe, will be the sum of the effects of our commissions for making treaties of alliance. England shows no disposition to treat. France, should her Ministers be able to keep the ground of the arrêt of August, 1784, against the clamors of her merchants, and should they be disposed hereafter to give us more, it is not probable she will bind herself to it by treaty, but keep her regulations dependent on her own will.

Sweden will establish a free port at St. Bartholomews, which, perhaps, will render any new engagements on our part unnecessary. Holland is so immovable in her system of colonial administration, that as propositions to her on that subject would be desperate, they had better not be made. You will perceive by the letter No. 11, from M. de la Fayette, that there is a possibility of an overture from the Emperor.

A hint from the Chargé d'Affaires of Naples, lately, has induced me to suppose something of the same kind from thence. But the advanced period of our commissions, now offers good cause for avoiding to begin what probably cannot be terminated during their continuance; and with respect to these two, and all other Powers not before mentioned, I doubt whether the advantages to be derived from treaties with them may countervail the additional embarrassments they may impose on the States when they shall proceed to make those commercial arrangements necessary to counteract the designs of the British Cabinet.

I repeat it, therefore, that the conclusion of the treaty with Prussia, and the probability of others with Denmark, Tuscany, and the Barbary States, may be expected to wind up the proceedings of the general commissions.

I think that in possible events it may be advantageous to us, by treaties with Prussia, Denmark, and Tuscany, to have secured ports in the Northern and Mediterranean seas.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM RICHARD O'BRYEN TO THOMAS JEFFERSON.

Algiers, August 24, 1785.

Sir,

We, the subjects of the United States of America, having the misfortune of being captured off the coast of Portugal, the 24th and 30th of July, by the Algerines, and brought into this port, where we are become slaves, and sent to the work houses. Our sufferings are beyond our expressing, or your conception. Hoping your Honor will be pleased to represent our grievances to Congress, hoping they will take such measures as tend to our speedy redemption, hoping you will consider our unfortunate situation, and make some provision for the unfortunate sufferers until we are redeemed—being stript of all our clothes, and nothing to exist on but two small cakes of bread per day, without any other necessities of life. Charles Logie, Esq., British Consul, seeing our distressed situation, has taken us three masters of vessels out of the work house, and has given security for us to the Dey of Algiers, *King of Cruelties*. My crew will certainly starve if there is not some immediate relief.

It being the method of all Christian Powers, whose subjects fall into the hands of those savages, to make some provision for them until they are redeemed, I should esteem it a particular favor if you would be pleased to write to Mr. Logie, Consul here.

Ship Dauphin, Richard O'Bryen master, belonging to Messrs. Matthew and Thomas Irwin & Co., merchants of the city of Philadelphia, bound to Philadelphia, from St. Ubes, taken the 30th July, out two days.

Schooner Maria, Isaac Stephens master, from Boston, bound to Cadiz, belonging to Messrs. William Foster & Co., merchants in Boston, taken the 24th of July, out twenty-six days.

The cruisers in this port are fitting out with all possible expedition, and I am of opinion that they will take most of our ships that will come for Europe.

They will cruise to the northward of the Western Islands and towards the British channel. The sooner we put a stop to them, the better, they valuing the number of prizes they take to the sum of the peace. The Spaniards coming on terms with them, all other European nations must. I hope we shall apply before any more do, for they must be at war with some.

I am, very respectfully, &c.,

RICHARD O'BRYEN.

COMMISSIONS TO THOMAS BARCLAY AND JOHN LAMB.

To all to whom these presents shall come or may be made known :

Whereas, the United States of America in Congress assembled, reposing special trust and confidence in the integrity, prudence, and ability of their trusty and well-beloved, the honorable John Adams, late one of their Ministers Plenipotentiary for negotiating a peace, and heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State; the honorable Doctor Benjamin Franklin, their Minister Plenipotentiary at the Court of Versailles, and late another of their Ministers Plenipotentiary for negotiating a peace; and the honorable Thomas Jefferson, a Delegate in Congress from the State of Virginia, and late Governor of the said State, did, by their commission, and under the seal of the United States, and the signature of their then President, bearing date the 12th day of May, in the year of our Lord Christ 1784, constitute and appoint the said John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers and authority for the said United States and in their name to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his Majesty, the Emperor of Morocco, vested with full and sufficient powers of and concerning a treaty of amity and commerce, as the case might be, to make and receive propositions for such a treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled for their final ratification; and as it might so happen that the great and various affairs which the said United States had committed to the care and management of their said Ministers Plenipotentiary, might not admit of their meeting the Minister or Commissioner which his Majesty the Emperor of Morocco might appoint to treat with them of and concerning such treaty, at a time and place that might otherwise be most convenient, therefore, the said United States in Congress assembled did, on the 11th day of March, in the year of our Lord Christ 1785, by their commission, under their seal and the signature of the President, authorize and empower their said three Ministers Plenipotentiary, and the majority of them, by writing, under their hands and seals, to appoint and employ, and at pleasure to remove, such agent in the said business as they, or the majority of them,

might think proper, which said agent should have authority, under directions and instructions of their said Ministers, to commence and prosecute negotiations and conferences for the said treaty with such person or persons on the part of his Majesty the Emperor of Morocco as to their said Ministers, or the majority of them, should appear proper: *Provided always*, That the treaty in question should be signed by the said Ministers, but that preliminary articles thereto might, if previously approved by their said Ministers, or the majority of them, be signed by the said agent.

And whereas Doctor Benjamin Franklin, one of the Ministers Plenipotentiary aforesaid, is since returned to America:

Now, know ye that we, John Adams, Minister Plenipotentiary of the United States of America at the Court of Great Britain, and Thomas Jefferson, Minister Plenipotentiary of the said States at the Court of France, two of the Ministers Plenipotentiary aforesaid, and a majority of them, reposing special trust and confidence in the integrity, prudence, and ability of the honorable Thomas Barclay, Esquire, Consul General of the United States in France, have constituted, appointed, and employed, and do by these presents constitute, appoint, and employ him, the said Thomas Barclay, as agent in the business aforesaid, hereby giving him full authority, under our directions and instructions, to commence and prosecute negotiations and conferences for the said treaty, with such person or persons on the part of the Emperor of Morocco as his Majesty shall appoint and empower for that purpose—

Provided always, that the treaty in question shall be signed by us, but that preliminary articles thereto may, if previously approved by us, be signed by the said agent.

In testimony whereof we have hereto set our hands and seals.

LONDON, *October 5, 1785.*

JOHN ADAMS,

PARIS, *October 11, 1785.*

TH: JEFFERSON.

N. B. The commission to John Lamb, Esquire, agent to the Dey and Government of Algiers, is of the same tenor and date.

Instructions to Thomas Barclay.

Congress having been pleased to invest us with full powers for entering into a treaty of amity and commerce with the Emperor of Morocco, and it being impracticable for us to attend his Court in

person, and equally impracticable on account of our separate stations to receive a Minister from him, we have concluded to effect our object by the intervention of a confidential person. We concur in wishing to avail the United States of your talents in the execution of this business, and therefore furnish you with a letter to the Emperor of Morocco, to give a due credit to your transactions with him. We advise you to proceed by the way of Madrid, where you will have opportunities of deriving many lights from Mr. Carmichael, through whom many communications with the Court of Morocco have already passed. From thence you will proceed by such route as you shall think best to the Court of the Emperor. You will present to him our letter, with the copy of our full powers, with which you are furnished, at such time or times and in such manner as you shall think best.

As the negotiation and conclusion of a treaty may be a work of time, you will endeavor, in the first place, to procure an immediate suspension of hostilities.

You will proceed to negotiate with his Minister the terms of a treaty of amity and commerce as nearly as possible conformed to the draught we give you. Where alterations which, in your opinion, shall not be of great importance, shall be urged by the other party, you are at liberty to agree to them; where they shall be of great importance, and such as you think should be rejected, you will reject them; but where they are of great importance, and you think they may be accepted, you will ask time to take our advice, and you will advise with us accordingly, by letter or by courier, as you shall think best. When the articles shall all be agreed, you will sign them in a preliminary form and send them to us by some proper person for definitive execution.

The whole expenses of this treaty, including as well the expenses of all persons employed about it, as the presents to the Emperor and his servants, must not exceed twenty thousand dollars, and we urge you to use your best endeavors to bring them as much below that sum as you possibly can, and to this end we leave it to your discretion to represent to his Majesty or to his Ministers, if it may be done with safety, the particular circumstances of the United States, just emerging from a long and distressing war with one of the most powerful nations of Europe, which we hope may be an apology, if our presents should not be so splendid as those of older and abler nations.

As custom may have rendered some presents necessary in the beginning or progress of this business, and before it is concluded, or even in a way to be concluded, we authorize you to conform to the custom, confiding in your discretion to hazard as little as possible before the certainty of the event, and to provide that your engagements shall become binding only on the execution of the treaty.

We trust to you, also, to procure the best information, in what form, and to what persons these presents should be made, and to make them accordingly.

The difference between the customs of that and other Courts, the difficulty of obtaining a knowledge of those customs, but on the spot, and our great confidence in your discretion, induce us to leave to that all other circumstances relative to the object of your mission.

It will be necessary for you to take a secretary well skilled in the French language to aid you in your business, and to take charge of your papers in case of any accident to yourself. We think you may allow him one hundred and fifty guineas a year, besides his expenses for travelling and subsistence.

We engage to furnish your own expenses according to the respectability of the character with which you are invested; but as to the allowance for your trouble, we wish to leave it to Congress.

We annex hereto sundry heads of inquiry which we wish you to make, and to give us thereon the best information you shall be able to obtain. We desire you to correspond by every opportunity which you think should be trusted; giving us from time to time an account of your proceedings and prospects, by the way of Holland, under care to Mr. Dumas, at the Hague, or Messrs. Willinks, of Amsterdam; by the way of England to Uriah Forrest, Esq.; by way of France to M. Grand, Paris; and to Mr. Carmichael, by way of Spain.

We wish you a pleasant journey and happy success, being with great esteem, &c.

N. B. The instructions to Mr. Lamb are the same, except in the style of the Court, the passage page 658 "through whom," &c.; in lieu of which is substituted: "And from the Minister from Algiers 'to the Court of Madrid, and the Count d'Espilly, lately arrived 'there from Algiers, who doubtless are persons of credit and information with their Government;'" and in page 658, instead of to "twenty thousand dollars," is inserted "forty thousand dollars."

*Heads of Inquiry for Mr. Barelay as to Morocco, Algiers,
Tunis, &c.*

1ST, COMMERCE.—What are the articles of their export and import? What articles of American produce might find a market in Morocco, Algiers, Tunis, Tripoli, &c., and at what prices? Whether rice, flour, tobacco, furs, ready-built ships, fish, oil, tar, turpentine, ship timbers, &c., and whether any of these articles would hereafter be acceptable as presents? What duties are levied by them on exports and imports—do all nations pay the same, or what nations are favored, and how far? Are they their own carriers, or who carries for them? Do they trade themselves to other countries, or are they merely passive? What manufactures or productions of these countries would be convenient in America, and at what prices?

2D, PORTS.—What are the principal ports? What depth of water into them? What works of defence protect these ports?

3D, NAVAL FORCE.—How many armed vessels have they? Of what kind and force? What is the constitution of their naval force? What resources for increasing their navy? What number of seamen, their cruising grounds, and season of cruising?

4TH, PRISONERS.—What is their condition and treatment? At what price are they ordinarily redeemed, and how? Do they pay respect to the treaties they make?

Land Forces.—Their number, constitution, respectability, revenues—their amount.

5TH, LANGUAGE.—What language is spoken, and what European language is most understood?

6TH, GOVERNMENT.—What is their connexion with the Ottoman Porte? Is there any dependence or subordination to it acknowledged, and what degree of power or influence has it?

7TH, RELIGION.—By what principle of their religion is it that they consider all Christian Powers as their enemies, until they become friends by treaties?

8TH, CAPTURES.—What captures have they made of ships or citizens of the United States, and any other nation? What nations are they now at war with?

N. B. Similar heads of inquiry were given to Mr. Lamb.

Supplementary Instruction for Mr. Lamb.

We have received information that two American vessels, the Dauphin, from Philadelphia, and the Maria, from Boston, with their crews and cargoes, have lately been taken by the Algerines off the coast of Portugal, and that the crews are reduced to slavery. Our full powers to that State being for the general purpose only of concluding a treaty of amity and commerce, the redemption of our citizens made captives before the conclusion of such treaty may not be thought comprehended within those powers, nevertheless as the misfortune of these our countrymen has not been produced by any fault or folly of theirs, as their situation would ill admit the delay of our asking and receiving the pleasure of Congress on that subject, and as we presume strongly that it would be the will of Congress that they should be redeemed from their present calamitous condition, we think ourselves bound, in so distant a situation, and where the emergency of the case is so great, to act according to what we think would be the desire of Congress, and to trust to their goodness and the purity of our own motives for our justification.

We therefore authorize you to treat for the emancipation of the crews of the said vessels, and of any others which have or may be taken by the same Power before the cessation of hostilities, which we expect you to effect; administering in the meantime such necessary aids as their situation may require. In negotiating this special treaty, you are to consider yourself as acting for the masters of the vessels, as well as for the United States, and you will agree to no terms which they shall not approve.

You will take from them their obligations, each for his crew separately, binding themselves and their owners to indemnify the United States for the moneys which shall be paid for their redemption, subsistence, transportation to their own country, and other charges incurred. If the Congress shall be of opinion that such indemnification should be required, transmitting to us such special treaty for our definite execution, you will also adopt the best measures you can for returning the citizens you shall redeem to their own country. As we require a transmission of this treaty before its definitive conclusion, it is the less necessary for us to speak of the sum which you may venture to engage. We do not expect to redeem our captives for less than one hundred dollars a head, and we should

be fearful to go beyond the double of that sum. However, we trust much in your discretion and good management for obtaining them on terms still better than these if possible.

Instructions to Thomas Barclay and J. Lamb.

Grosvenor Square, Westminster, October 6, 1785.

Sir,

The United States of America in Congress assembled on the 14th day of February last, resolved that the Ministers of the United States, who are directed to form treaties with the Emperor of Morocco, and the Regencies of Algiers, Tunis, and Tripoli, be empowered to apply any money in Europe belonging to the United States to that use. As you are appointed to proceed to Morocco as agent for forming such treaty with the Emperor, you are hereby authorized and empowered to draw bills of exchange to the amount of a sum not exceeding twenty thousand dollars, at one or two usances upon "John Adams, Esq., Minister Plenipotentiary of the United States of America at the Court of Great Britain, residing in Grosvenor Square, at the corner between Duke street and Brook street," who will regularly accept and pay the same either at the house of R. & C. Puller, in London, or of Wilhelm & John Willink, and Nicholas & Jacob Staphorst's, at Amsterdam.

Your bills are, however, to be always accompanied with a letter of advice in your handwriting to Mr. Adams, a duplicate of which you will also send by some other conveyance.

With great respect, &c.,

Grosvenor Square, London, October, 6, 1785.

Paris, October 11, 1785.

JOHN ADAMS,
TH: JEFFERSON.

N. B. A letter of credit of the same tenor is also given to John Lamb, Esq., agent to the Dey and Government of Algiers, substituting "forty thousand" instead of "twenty thousand dollars," and adding after the passage "with a letter of advice," "and as your handwriting is wholly unknown to Mr. Adams, these letters of advice are always to be in the handwriting of Paul R. Randall, Esq., who accompanies you, whose handwriting is left in the custody of Mr. Adams, as a check and a proof by comparison. The letters, however, are to be subscribed by you."

FROM THOMAS JEFFERSON AND JOHN ADAMS, MINISTERS, &C., TO
THE EMPEROR OF MOROCCO.

The Congress of the United States of America, after the conclusion of that war which established their freedom and independence, and after the cares which were first necessary for the restoration of order and regular Government, turned their attention in the first moment possible to the connections which it would be proper to form with the nations on this side the Atlantic, for the maintenance of friendship and improvement of commerce with them.

They, therefore, on the twelfth day of May, in the last year, thought proper to appoint us, with Doctor Benjamin Franklin, their Ministers Plenipotentiary, to negotiate and conclude such treaties of amity and commerce as should be agreed on with those nations.

The variety of the commissions of this nature with which we were charged, rendered impracticable our attending in person at the several Courts to which they were addressed, and required that we should execute them by the intervention of confidential persons to be sent to those Courts. Congress, sensible of this, have been pleased, by other full powers, bearing date the eleventh day of March last, to give to the same Ministers, or a majority of them, authority to appoint such agents for the purpose of negotiating these treaties under our instructions, of bringing them to maturity, and of signing them in a preliminary form, referring them to us for definitive execution, as by the full powers, (a copy of which we have the honor of transmitting herewith to your Majesty,) will more particularly appear. Doctor Franklin, our colleague, having found it necessary to return to America, the execution of these full powers has devolved on us alone.

As the circumstances before explained, put it out of our power to have the honor of presenting ourselves in person at the Court of your Majesty, so others supervened which rendered impracticable our meeting at any other place such Ministers as your Majesty might condescend to authorize to treat with us on the subjects with which we were charged; one of us being placed as Minister Plenipotentiary for the United States at the Court of Great Britain, and the other in the same character at the Court of France.

We have therefore adopted the only remaining method, that of sending a confidential agent, according to the authority given us, to testify to your Majesty our high respect and gratitude for the friendly

disposition you have manifested to the United States, to assure you of the desire of our country to form a connexion with a sovereign so renowned for his power, his wisdom, his justice, and to concert with such Minister as your Majesty shall think proper to appoint, those conditions which will be most advantageous for both nations to adopt for the regulation of their commerce, and of their mutual conduct towards each other.

The person whom we charge with this high mission is Thomas Barclay, Esquire, possessing, in the highest degree, the confidence of the United States, and as such, having been several years, and still being their Consul General with our great and good friend and ally the King of France.

Although our full powers reserve to us the ultimate signature of the treaty to be established, yet such is our reliance on the wisdom and integrity of Mr. Barclay, that we assure your Majesty you may have full faith in whatever he shall agree to, and that the same, when sent to us, will be returned with our signature, in order to receive that of the person whom your Majesty shall commission for the same purpose.

With the most profound respect, and our best wishes for the health, happiness, prosperity, and glory of your imperial Majesty, we have the honor to subscribe ourselves your Majesty's most obedient humble servants.

N. B. In the letter to Algiers the term "your Majesty" is changed, "to testify, &c.," included in crotchets, is left out, and instead of the passage "Thomas Barclay," is inserted, "John Lamb, Esquire, a citizen of the United States, in whose wisdom and integrity we have so high confidence that, though our full powers reserve to us the ultimate signature of the treaty, we can venture to assure that we will ratify and confirm definitively whatever preliminary condition he shall agree to and transmit to us for that purpose."



FROM JOHN ADAMS AND THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

Sir,

The friendly disposition which his Majesty has been pleased to show to the United States of America on every occasion, as well as

the assurances given them in the eighth article of the treaty of amity and commerce, that he would employ his good offices and interposition with the Powers on the coast of Barbary to provide for the safety of the citizens of the United States, their vessels, and effects, encouraged us to address you our letter of March 28th, on that subject. To this you were pleased to favor us with an answer on the 28th April, enclosing the sentiments of his Excellency the M. de Castries on the same subject, and confirming our expectations of his Majesty's good offices, whensoever we should be efficaciously prepared to enter into negotiation with these States. As circumstances rendered impracticable our proceeding in person to that coast, Congress has been pleased to invest us with full powers, authorizing us to substitute agents to proceed thither for the purpose of negotiating and maturing the terms of a treaty, and signing them in a preliminary form, but requiring their definitive execution by us. They have also permitted and enabled us to comply with those demands, to which other nations are in the habit of submitting. In consequence of these powers, we have appointed Thomas Barclay, Esquire, agent to the Court of Morocco, and John Lamb, Esquire, to the Government of Algiers, who will immediately proceed to their respective destinations, for the purpose of negotiating treaties of amity and commerce with those two Powers.

It remains for us to apprise your Excellency of these transactions, and to beg leave, through you, to represent to his Majesty that, being now fully vested with the powers requisite for carrying these negotiations into effect, and enabled to comply with such moderate demands, as actual circumstances give us reason to expect the moment is arrived in which his powerful influence with those States may be interposed to our great benefit; and to pray that he will interpose it, either by direct address to those Powers, or through the medium of his Ministers, Consuls, or Agents residing there, or in such other manner as his Majesty shall judge most consistent with his honor, and most likely to avail the United States of his efficacious aid.

We have the honor to be, &c.,

JOHN ADAMS,
TH: JEFFERSON.

FROM THOMAS JEFFERSON AND JOHN ADAMS TO MR. CARMICHAEL.

Mr. Barclay will deliver you this letter on his way to Morocco.

We have appointed him to this negotiation in hopes of obtaining the friendship of that State to our country, and of opening, by that means, the commerce of the Mediterranean, an object of sufficient importance to induce him to accept of the trust.

We recommend him and Colonel Franks, who goes with him, to your attention and assistance, and we particularly desire you to interest the Court of Spain in his favor, if you think it practicable. Your success upon many occasions with the Spanish Ministers gives us hopes that you may obtain for him instructions or letters to Spanish Consuls or other gentlemen, which may contribute both to the comfort of his travels and the success of his mission.

Any despatches for us which he may convey to you, your own just sense of the importance of them will induce you to transmit to us with all possible care.

We are informed of the friendly attention of the Court of Madrid to the case of our fellow-citizens late in captivity, as well as on many other occasions, and, if you think it will not be taken amiss, you will oblige us by expressing our grateful sense of it wherever you think proper.

With great respect, we have the honor to be, &c.,
London, September 12, 1785.

JOHN ADAMS,
TH: JEFFERSON.

N. B. A similar letter was given to Mr. Lamb.



Draft of a Treaty of Amity and Commerce between the United States of America and the for the purpose of establishing peace, and friendship, and commerce, between the United States of America and their citizens on the one part, and his subjects on the other, the parties have established the following articles.

ARTICLE I. There shall be a firm, inviolable, and universal peace and sincere friendship between the United States of America and their citizens on the one part, and his subjects on the other part, without exception of persons or places.

ARTICLE II. His Majesty agrees to release all citizens of the United States now in captivity in his dominions, and to restore all property which has been taken by any of his subjects from citizens of the United States.

ARTICLE III. No vessels of his Majesty shall make captures or cruise within sight of the coasts of the United States.

ARTICLE IV. No citizen or subject of either party shall take from any Power with whom the other may be at war any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate.

ARTICLE V. If one of the parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods; inasmuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

In like manner all persons, subjects, or citizens of either party, and all property belonging to subjects or citizens of either party, found on board a vessel of the enemy of the other shall be free from capture and detention.

ARTICLE VI. In the same case, where one of the parties is engaged in a war with any other Power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea-letters, or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require,) shall be renewed as often as the vessel shall return into port, and shall be exhibited whenever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy that the said vessel belongs to the party of which he is,

shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE VII. And to prevent entirely all disorder and violence in such cases, it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same to examine her sea-letters or passports.

ARTICLE VIII. All persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever, the people, vessel, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private-armed vessels before they are commissioned.

ARTICLE IX. All citizens of the United States taken by any of the Powers of Barbary, or their subjects, and brought into any of the ports or dominions of the Emperor of Morocco, shall be immediately set at liberty by the Emperor; and all vessels and merchandize belonging to citizens of the United States, and taken by any of the said Powers, or their subjects, and brought into any of the ports or dominions of his Majesty, shall, in like manner, be caused by his Majesty to be delivered up by the captors, without being carried out of port, and shall be faithfully restored to the said citizens owning them.

ARTICLE X. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, or needing repairs, or supplies of water, food, or other necessities, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other; or, if the armed vessels, public or private, of either party shall take such refuge for any of the same causes, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

ARTICLE XI. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominions of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same

assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants of the country would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargoes be unloaded, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

ARTICLE XII. The vessels of the subjects or citizens of either party coming on any coast belonging to the other, but not willing to enter into any port, or being entered into port and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to pay any duties, charges, or fees whatsoever, or to render any account of their cargo.

ARTICLE XIII. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, and the persons of the citizens or subjects of the other which shall be within the extent of their jurisdiction by sea or land, and shall use all their efforts to liberate such persons, and to recover and cause to be restored to the right owners their vessels and effects which shall be taken within the extent of their said jurisdiction.

ARTICLE XIV. Whenever the vessels of either party in any port of the other shall be about to depart, all hostile vessels in the same port, or its vicinities, shall be detained by the party within whose jurisdiction they are until such vessel shall have had a reasonable time to escape.

ARTICLE XV. No vessels of war of the United States within the ports of his Majesty shall be searched under pretence of their having on board fugitive slaves, or under any other pretence whatever, nor shall any person be required to pay for any such slaves, nor to redeliver them, if any such should really have taken asylum therein.

ARTICLE XVI. The vessels of war of either party coming to anchor in a port of the other shall be saluted by the forts or batteries with as many guns as a vessel of the same size of any other nation, which vessel shall return the salute gun for gun.

ARTICLE XVII. The subjects or citizens of either party may frequent the coasts and countries of the other, and reside and trade

there in all sorts of produce, manufactures, and merchandize, the purchase and sale of which shall be free to all persons of every description, unembarrassed by monopoly, paying no greater duties than the most favored nation pays; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the subjects of the most favored nation enjoy. They shall also be free to pass and repass with their merchandize within the territories of the other without being obliged to obtain passports.

ARTICLE XVIII. All merchants, commanders of vessels, and other subjects and citizens of each party shall have free liberty in all places within the dominion or jurisdiction of the other to manage their own business themselves, or to employ whomsoever they please to manage the whole or any part for them; and shall not be obliged to make use of any interpreter, broker, or other person whatsoever, nor pay them any salaries or fees unless they choose to make use of them.

Moreover, they shall not be obliged, in loading or unloading their vessels, to make use of those workmen which may be appointed by public authority for that purpose; but it shall be entirely free for them to load or unload them by themselves, or to make use of such persons in loading or unloading them as they shall think fit, without paying any fees or salary to any other whomsoever; neither shall they be forced to unload any sort of merchandize into any other vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE XIX. No merchant or other citizen or subject of either party, within the territories of the other, shall be obliged to buy or sell any merchandize or thing against his will, and shall be free to buy and sell whatever he may think proper.

ARTICLE XX. That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly detained, it is agreed that all examinations of goods required by the laws shall be made before they shall be laden on board the vessel, and that there shall be no examination after, nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose orders they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no person shall be molested, nor shall any other goods nor the vessel be seized or detained for that cause.

ARTICLE XXI. The subjects or citizens of either party, their vessels and effects, shall not be liable to any embargo, seizure, or detention on the part of the other for any military expedition or other public or private purpose whatever; and in all cases of seizure, detention, or arrest for debts contracted by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceeding usual in such cases.

ARTICLE XXII. If any difference, either civil or criminal, arise between two citizens of the United States, within the territories of his Majesty, neither shall be bound to answer or appear before the judiciary institutions of the country, nor to obey any officer or process thereof; but it shall be decided by the Consul for the United States, who shall have full authority in every such case, civil or criminal, to proceed according to the instructions he shall have received from Congress. But if the power of the country shall be necessary to aid him in the arrest, detention, or punishment of one of the parties, he shall receive such aid.

ARTICLE XXIII. If any citizen of the United States, within the territories of his Majesty, assault, strike, wound, or kill a subject of his Majesty, or any other person under his protection, (other than a fellow-citizen, which case is hereinbefore provided for,) he shall be punished in the same manner, and not more rigorously than a subject who should have committed the same offence; nor shall he be punished until the Consul of his nation shall have been called on to defend him; and if he make his escape, neither the said Consul nor any other citizen of the said United States shall be detained or molested on that account.

A subject of his Majesty committing a like offence within his territories on a citizen of the United States shall be punished in the same manner as if he had committed it on one of his Majesty's subjects.

ARTICLE XXIV. The citizens or subjects of the United States shall have power to dispose of their personal goods within the jurisdiction of his Majesty by testament, donation, or otherwise, and their representatives shall succeed to their said personal goods within the same jurisdiction, by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the

inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, the Consul, Vice Consul, or Agent for the United States shall take care of the said goods, according to his instructions, or, if there be no such Consul, Vice Consul, or Agent, then certain good and principal people of the country shall be appointed to make an inventory of them, and to take care of them for the representative, so that the officers of the said country may not meddle with them on pretence of escheat, forfeiture, or any other pretence whatever.

ARTICLE XXV. Each party shall be at liberty to keep within any of the ports of the other Consuls, Vice Consuls, Agents, or Commissaries of their own appointment, who shall be free and secure in their persons, houses, and effects, and shall not, in any case, be bound to answer for the debts of any citizens of their nation, or others, unless they shall have obliged themselves thereto by writing. Each of them shall be at liberty to choose his own interpreters, brokers, and other agents and servants, to go as often as he pleases on board any vessels in the harbors, to pass and repass in the country, to practice his own religion in his own house, openly and freely, and to receive any other persons there to do the same, without being subject to molestation or insult by word or deed; he shall enjoy an exemption from all duties for the provisions and necessities of every kind for his house and family, shall be authorized to take depositions, authenticate contracts, deeds, wills, and other writings, give passports, and perform all other the functions of his office according to his instructions, without impediment from any, but, on the contrary, shall be aided therein by the power of the country when he shall ask such aid.

ARTICLE XXVI. If any contravention of this treaty shall happen, the peace shall continue nevertheless; but the party injured shall demand amicable reparation, and until this shall have been denied, shall not appeal to arms.

ARTICLE XXVII. If war should arise between the two parties, the subjects or citizens of either country then residing or being in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance.

ARTICLE XXVIII. If either party shall hereafter grant to any other nation any particular favor in navigation and commerce, it

shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the compensation where such other nation does the same.

ARTICLE XXIX. This treaty shall be in force fifty years from the exchange of ratifications, which exchange shall be within eighteen months from the date hereof, and in the meantime the several articles thereof shall be observed on both sides as if they were already ratified.

In witness whereof, &c.

REPORT OF SECRETARY JAY.

Office for Foreign Affairs, May 11, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 11th October last from the Honorable Mr. Jefferson, with the sundry papers that were enclosed with it, reports :

That as this letter and these papers respect subjects unconnected with each other, your Secretary finds it necessary to arrange them under different heads, and report on each in its proper order.

Negotiations with the Barbary Powers.

1st. The commissions of Messrs. Adams and Jefferson appointing Mr. Barclay to treat with Morocco, and Mr. Lamb with Algiers, and their general instructions to each of them, and the project of a treaty, all of which appear to your Secretary to be proper ; but he much doubts whether the sums allotted for presents and peace offerings will be sufficient.

2d. A letter to Mr. Jefferson from Richard O'Bryen, master of the ship Dauphin, belonging to Messrs. Mathew and Thomas Irwin & Co., of Philadelphia, captured by the Algerines 30th July, 1785. This letter is similar to one written by the same person on the 28th August last to his Excellency the President of Congress, and on which your Secretary made report the 2d January last.

This letter, however, gave occasion to the supplementary instruction to Mr. Lamb, by which he is authorized to supply and redeem American captives in the manner and on the terms therein specified. Mr. Jefferson, in mentioning this instruction, says : "The supple-

‘mentary instruction to Mr. Lamb, No. 5, must rest for justification
 ‘on the emergency of the case. The motives which lead to it must
 ‘be found in the feelings of the human heart, in a partiality for those
 ‘sufferers who are of our own country, and the obligations of every
 ‘Government to yield protection to their citizens as the consideration
 ‘of their obedience. *It will be a comfort to know that Congress does*
 ‘*not disapprove of this step.*’

In cases of this kind your Secretary thinks the sentiments and pleasure of Congress should not remain doubtful, and that in his opinion it be,

Resolved, That the Secretary for the Department of Foreign Affairs inform Mr. Adams and Mr. Jefferson that Congress approve of their supplementary instruction to Mr. Lamb, respecting American captives at Algiers.

Treaty with Portugal.

Mr. Jefferson says: “That considering the treaty with Portugal
 ‘among the most interesting to the United States, he sometime ago
 ‘took occasion at Versailles to ask the Portuguese Ambassador if he
 ‘had yet received from his Court an answer to their letter. He told
 ‘him he had not, but that he would make it the subject of another
 ‘letter. Two days ago his Secretary of Legation called on him with
 ‘a letter from his Minister to the Ambassador, in which was the
 ‘following paragraph, as he translated it to him, and he committed
 ‘it to writing from his mouth.” This paragraph being in French, the following is a translation of it, viz: “With respect to what your
 ‘Excellency mentions of a conversation with the American Minister,
 ‘that Power ought already to be persuaded, by the manner in which
 ‘their vessels have been received here, that his Majesty would have
 ‘much satisfaction in maintaining perfect harmony and good correspondence with the United States. But it would be proper to begin
 ‘by reciprocally appointing persons who at least, in the character of
 ‘agent, should respectively inform their constituents of whatever
 ‘might conduce to a knowledge of the interest of the two nations
 ‘without prejudice to the one or the other. It is the first step which
 ‘appears convenient to take in order to the end proposed.”

Mr. Jefferson says he considers that answer “as definitive of all
 ‘further measures under his and Mr. Adams’s commission to Portugal.”

Here it appears proper to your Secretary to remind Congress of a letter of 5th November last from Mr. Adams on the subject, and on which he thinks instructions should be given to Mr. Adams.

It states the substance of a conference between him and the Chevalier Pinto, Envoy Extraordinary and Minister Plenipotentiary from Portugal; to whom it seems that Court had thought proper to commit the conduct of their negotiations with us, in preference to their Ambassador at the Court of France.

The overture made in that conference, together with the importance of our trade to Portugal, induces your Secretary to think that it would be advisable to take measures for concluding a treaty of commerce with that kingdom; and the more so as the commercial privileges we now enjoy in their ports are matters of favor, which may at any time be recalled, and which would probably be diminished, if apparent inattention to their friendly overtures should mortify and disgust that Court.

Treaties with other Powers.

A subsequent letter from Mr. Jefferson, viz: 27th January, 1786, mentions that the Emperor is willing to proceed with us. There is reason to believe that Denmark is also ready, and that Naples has intimated the same thing.

Your Secretary has in former reports expressed his sentiments respecting treaties of the kind proposed; but as the first overtures for them were made by America, it seems difficult now to retract, merely because the answers, though favorable, have been so long delayed. The delicate situation of the United States requires caution; and it might be better to submit to some temporary evil rather than disgust those Powers who may now be ready to enter into treaties with us, and whose ports, in case of war, might be very convenient to us. Your Secretary is therefore much inclined to think that it would be more prudent to renew the commission, and by limiting the duration of the proposed treaties to a short term, provide that the inconveniences arising from them shall not be of longer continuance. Circumstances will by that time probably place the United States on more advantageous ground, and enable them to make treaties far more beneficial than any that can now be expected. In his opinion, however, no further overtures should be

made, nor any negotiations for such treaties commenced with any nation, except those who may have declared their readiness and inclination to enter into them.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, December 24, 1785.

Sir,

Since my last to you, which were dated the 6th and 11th of October, I have been honored with yours of the 1st, 14th, and 15th of September. Since the departure of Mr. Fitzhugh, who carried my last, no confidential opportunity of writing has offered. The present I send by way of London, and being to pass through the post offices of both countries, shall mention in it nothing but what both are welcome to see.

I now transmit you Mr. Limozin's answer relative to Fortin's case. You will see by this that Fortin never had commenced a suit here at all, and of course was premature in his complaints of the delay of justice.

I enclose, also, a copy of the receipt of Commodore Jones for moneys paid him on account of the prizes taken by him. It will enable the Commissioners to enter due debits. The Mareschal de Castries having been pleased to direct copies of the receipts to be furnished to me, in proportion as payments are made, I shall take care to forward them.

The prospectus of the mercantile establishment at Trieste for a commerce with the United States, which I have the honor of now enclosing, was communicated to me by the Imperial Ambassador here, by order of his sovereign, who asks the patronage of Congress for this company. I assured his Ambassador that they might rely on every protection from Congress should any circumstances ever call for their interference.

I take the liberty of sending you copies of two letters I wrote to Messrs. Van Staphorst, in answer to some inquiries they made of me relative to some paper securities of the United States proposed to them by Mr. Daniel Parker.

Being informed that they afterwards received these securities as for the United States; perhaps these letters may throw light on that measure. At any rate, they will shew that I considered it as out of my province, and meddled not in it further than by informing them of matters of fact.

An American gentleman, who will leave this place for New York about the 1st of February, will enable me to write to you on subjects not proper for the present conveyance.

In the meantime it may be expedient to mention that the duties here on *American* whale oil are reduced to eleven livres five sous, the barrel of five hundred pounds French, or about two livres in the English hundred. They were before thirty-six livres fifteen sous, the barrel of five hundred pounds.

I have the honor to be, &c.,

TH: JEFFERSON.

MR. LIMOZIN'S ANSWER RELATIVE TO FORTIN'S CASE.

Havre de Grace, October 4, 1785.

Most honored Sir,

Agreeably to my promise, I have the honor to transmit to your Excellency a copy of the letter I wrote the 11th October, 1782, to Joseph Fortin, about the estate to which he would be entitled had his father not altered his Christian name when he landed in America.

With the copy of the said letter is that of the register taken from the books of the church, and an authentic advertisement of sales.

By these vouchers your Excellency will be able to see that it is impossible for that Fortin to claim the said estate as long as he will call himself son of Joseph Fortin, as he does by the vouchers he sent me; because none of the family of the deceased Fortin who left that estate was called Joseph.

I have the honor to be, &c.,

ANDREW LIMOZIN.

FROM ANDREW LIMOZIN TO THOMAS JEFFERSON.

Havre de Grace, October 11, 1785.

Most honored Sir,

I received, just now, the letters your Excellency has honored me with the 8th of this month.

I have not been imprudent enough to begin a law suit with the vouchers Fortin sent me, because, according to our laws, I was sure to lose it directly, and to prevent (by giving communication of such vouchers) the said Fortin to ever have the least right to the estate about which I wrote to him.

For, under the name of Joseph Fortin, he will never be entitled to enjoy the said estate. For it is proved by the church books that none of the deceased Fortin's family, who left the estate, were called Joseph, but that there is one missing called Jean Baptiste.

I would not begin a law suit, because I should be sure to lose it, and who would reimburse me for my expenses? There is no other method for that Fortin but to get his vouchers under the name of Jean Baptiste instead of that of Joseph, and if he cannot do it he will never get a farthing.

I have the honor to be, &c., ANDREW LIMOZIN.

—O—

FROM M. DE CASTRIES TO THOMAS JEFFERSON.

Translation.

Fontainebleau, October 28, 1785.

Sir,

I have the honor to send you certified copies of the two receipts which Mr. Jones has given to the treasurer of the port of L'Orient for the sums which have been paid to him as shares of the prizes belonging to the subjects of the United States.

You will observe, sir, that Mr. Jones has received *one hundred and five thousand one hundred and eighty-five livres, three sols, six deniers*, for the crew of the Alliance frigate, and *seventy-five thousand eight hundred and fifty-three livres eighteen sols four deniers*, as well for the share of prizes due to him personally as for those of the Americans belonging to the vessels called the Bon Homme Richard and the Pallas frigate.

I have the honor to be, &c., LE M. DE CASTRIES.

Shares of the Prizes made in 1779 by the Squadron of Commodore Paul Jones.

Translation.

To M. Paul Jones, Commandant of the Squadron consisting of the Bon Homme Richard, the Alliance, the Pallas, and the Ven-

geance, as well for what is due to him as Captain of the *Bon Homme Richard* as for the shares of the Americans and foreigners composing the crew of the said vessel, and for several powers in favor of the said Commodore, the sum of.....*Liv.* 75,532 *Os.* 5*d.*

To the said *Sieur Paul Jones* for the shares due to the Americans who belonged to the *Pallas* frigate, amounting to..... 321 17 11

Total.....*Liv.* 75,853 18 4

We, Commodore of the Naval Forces of the United States of America, authorized by the Congress, and the *Mareschal de Castries*, Minister and Secretary of State for the Department of Marine, to receive the amount of prizes of the American subjects and foreigners, according to a letter of the 15th July, 1785, acknowledge to have received of *M. Gratien de Comorre*, Treasurer of Marine for this port, and charged with the continuance of the payments of the late *M. Bourgeois*, the sum of seventy-five thousand eight hundred and fifty-three livres eighteen sols four deniers, in full.

PAUL JONES.

L'Orient, August 18, 1785.

Certified to have counted, the 18th August last, to Commodore Paul Jones, the sum of seventy-five thousand eight hundred and fifty-three livres eighteen sols four deniers.

Given at L'Orient, 10th October, 1785.

GRATIEN DE COMORRE.

Shares of the Prizes made in 1779 by the Squadron of Commodore Paul Jones.

Translation.

L'Orient, September 5, 1785.

To *M. Paul Jones*, Commandant of the Squadron consisting of the *Bon Homme Richard*, the *Alliance*, the *Pallas*, and the *Vengeance*, for what is due to the frigate *Alliance*, commanded by *M. Landais*, the sum of one hundred and five thousand one hundred and eighty-five livres three sols six deniers, (105,185*liv.* 3*s.* 6*d.*)

We, Commodore of the Naval Forces of the United States of America, authorized by the Congress, and orders of the Mareschal de Castries, Minister and Secretary of State for the Department of Marine, to receive the amount due to the Alliance frigate, belonging to the United States, commanded by M. Landais, according to the despatches of 19th and 26th August, 1785, acknowledge to have received of M. Gratien de Comorre, Treasurer of Marine for this port, and charged with the continuation of the payments of the late M. Bourgeois, the sum of one hundred and five thousand one hundred and eighty-five livres three sols six deniers, in full.

PAUL JONES.

Certified to have counted, the 5th September, 1785, to Commodore Paul Jones, the sum of one hundred and five thousand one hundred and eighty-five livres three sols six deniers.

Given at L'Orient, 10th October, 1785.

GRATIEN DE COMORRE.



FROM THOMAS JEFFERSON TO MESSRS. VAN STAPHORST.

Paris, October 12, 1785.

Gentlemen,

The receipt of your favor of September 19th should not have been so long unacknowledged, but that I have been peculiarly and very closely engaged ever since it came to hand.

With respect to the expediency of the arrangement you propose to make with Mr. Parker, I must observe to you that it would be altogether out of my province to give an official opinion for your direction.

These transactions appertain altogether to the Commissioners of the Treasury, to whom you have very properly written on the occasion. I shall always be willing, however, to apprise you of any facts I may be acquainted with, and which might enable you to proceed with more certainty; and even to give my private opinion, where I am acquainted with the subject, leaving you the most perfect liberty to give it what weight you should think proper.

In the present case I cannot give even a private opinion, because I am not told what are precisely the securities offered by Mr. Parker.

So various are the securities of the United States, that unless they are precisely described by their dates, consideration, and other material circumstances, no man on earth can say what they are worth. One fact, however, is certain, that all debts, of any considerable amount, contracted by the United States while their paper money existed, are subject to a deduction, and not payable at any fixed period.

I think I may venture to say also that there are no debts of the United States on the same footing with the money loaned by Holland, except those due to the Kings of France and Spain.

However, I hope you will soon receive the answers of the Commissioners, which alone can decide authoritatively what is to be done.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO MESSRS. VAN STAPHORST.

Paris, October 25, 1785.

Gentlemen,

I received yesterday your letter of the 20th instant. In order to give you the information you desire on the subject of the *liquidated* debts of the United States, and the comparative footing on which they stand, I must observe to you that the first and great division of our Federal debt is into, 1, foreign; and 2, domestic. The foreign debt comprehends: 1, the loan of the Government of Spain; 2, the loan from the Government of France, and from the Farmers General; 3, the loans negotiated in Holland by order of Congress. This branch of our debt stands absolutely singular: no man in the United States having ever supposed that Congress or their Legislatures can in any wise modify or alter it. They justly view the United States as the one party, and the lenders as the other, and that the consent of both would be requisite were any modification proposed. But with respect to the domestic debt, they consider Congress as representing both the borrowers and lenders, and that the modifications which have taken place in this have been necessary to do justice between the two parties, and that they flowed properly from Congress as their mutual umpire. The domestic debt comprehends: 1, the army debt; 2, the loan office debt; 3, the liquidated

debt; 4, the unliquidated debt. The first term includes debts to the officers and soldiers for pay, bounty, and subsistence. The second term means moneys put into the loan office of the United States. The 3d comprehends all debts contracted by quartermasters, commissaries, and others duly authorized to procure supplies for the army, and which have been liquidated (that is settled) by commissioners appointed under the resolution of Congress of June 12th, 1780, or by the officer who made the contract. The 4th comprehends the whole mass of debts described in the preceding article, which have not yet been liquidated. These are in a course of liquidation, and are passing over daily into the 3d class. The debts of this 3d class, that is the liquidated debts, is the object of your inquiry. No time is fixed for the payment of it, no fund as yet determined, nor any firm provision for the interest in the meantime. The consequence is that the certificates of these debts sell greatly below par. When I left America they could be bought for from 2s. 6d. to 15s. in the pound, this difference proceeding from the circumstance of some States having provided for paying the interest on those in their own State, which others had not. Here an opinion had arisen with some, and propositions had even been made in the Legislatures for paying off the principal of these debts with what they had cost the holder and interest on that.

This opinion is far from being general, and I am of opinion will not prevail. But it is among possible events. I have been thus particular that you might be able to judge, not only in the present case, but also in others, should any attempt be made to speculate in your city on these papers.

It is a business in which foreigners will be in great danger of being duped. It is a science which bids defiance to the bounds of reason. To understand it a man must not only be on the spot, and be perfectly possessed of all the circumstances relative to every species of these papers, but he must have that dexterity which the habit of buying and selling them alone gives.

The brokers of these certificates are few in number, and any other person, venturing to deal with them, engages in a very unequal contest.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 2, 1786.

Sir,

Several conferences and letters having passed between the Count de Vergennes and myself, on the subject of the commerce of this country with the United States, I think them sufficiently interesting to be communicated to Congress.

They are stated in the form of a report, and are herein enclosed.

The length of this despatch, perhaps, needs apology; yet I have not been able to abridge it, without omitting circumstances which I thought Congress would rather choose to know. Some of the objects of these conferences present but small hopes for the present, but they seem to admit a possibility of success at some future moment.

The enclosed letter from the Baron Thulemeier will inform you of the ratification, by the King of Prussia, of the treaty concluded with him. My answer accompanies it. I have no doubt but you have long ago received notice of this from Mr. Dumas, whose opportunities of conveying letters are so much more frequent than mine, especially since the French packets have been nearly discontinued. Mr. Crevecoeur is laboring to reestablish them, and under some hopes of success.

From Mr. Adams you have doubtless been also notified of the overtures from Portugal to treat with us at London.

We are probably indebted for this new spur towards us to the commercial arrangements which are on the *tapis* between France and England; and I think it fortunate that they have chosen to commit the negotiation to their Minister in London, rather than to their Ambassador here, whose torpid character would probably have spun it to a great length.

I communicated to the Count de Vergennes, according to your commands, the report of Captain Shaw's voyage to China, making, at the same time, those acknowledgments which were due for these new proofs of the friendship of the French nation towards us. I enclose you my letter and his answer, whereby you will see that he thought it a proper occasion to express the dissatisfaction of this Court, with the acts of some of the American Legislatures on the subject of foreign commerce, and to hint that their continuance would render measures necessary here to countervail the inequalities they supposed us to be establishing.

I also enclose my reply, and have now the honor to submit those transactions to the consideration of Congress, who are best able to calculate the result of such a commercial contest, (should it arise,) and who will be so good as to instruct me as to their pleasure therein, as an answer will be expected by this Court within such time as they think reasonable.

I have been long in conveying this correspondence to you, but I have never, since it was closed, had a confidential opportunity of transmitting it, and am now obliged to trust it with the other despatches, enclosed to a gentleman going to London, who promises to seek a safe conveyance from thence to New York. I send you, at the same time, the arrêts of August 30th, 1784, September 18th and 24th, 1785, which were spoken of in my letter.

Having observed, by the Journals of Congress, that the establishment of a Mint has been under consideration, I send a late declaration of the King, by which will be seen the proportion between the value of gold and silver, as newly established here.

My former letters will have notified to you Mr. Lamb's departure for Algiers.

I have received no letter from him since he left this place. We only know that he was at Madrid on the 10th December.

When Mr. Barclay was on the point of setting out for Morocco, Mr. Beaumarchais (who had hitherto declined settling with him) tendered him a settlement of his accounts. The immense amount of these accounts, with the hope that they would not occupy much time, and a persuasion that no man on earth could so well settle them as Mr. Barclay, who is intimately acquainted with many of the transactions on which they are founded, induced me to think that the interests of the United States would not suffer so much by a short delay of the journey to Morocco, from whence nothing disagreeable was to be immediately apprehended, as they would suffer by leaving such accounts as these to be settled by persons less competent. I advised Mr. Barclay to proceed to the settlement. I wrote to Mr. Adams, asking his opinion thereon, and to Mr. Carmichael, praying him to find means of making known to the Emperor of Morocco that a negotiator was actually commissioned, and would soon proceed to his Court. Mr. Adams concurred with me in opinion, and those accounts are now in such forwardness that Mr. Barclay assures me he shall be able to set out the ensuing week.

I enclose two letters from Captain Stevens, one of our captives at Algiers, to Mr. Harrison, at Cadiz, which were forwarded to me by Mr. Carmichael.

I have taken opportunities of speaking with the Chevalier de la Luzerne, on the subject of his return to America, and to press it by all those inducements which assurances of the esteem entertained for him there were likely to excite. He told me there was no place he would prefer to America for the exercise of his functions; but he said, with great candor, that as in the diplomatic line there are different grades of employment, and that an advancement from one to another of these was usual, he wished, if possible, to avail himself of the present circumstances to obtain a promotion. I suppose, in fact, that if he can be sent to London, in the room of the Count d'Adhemar, or to Holland, in the room of the Marquis de Verac, who wishes to be transferred to London, as these are embassies, he will not, in either of these cases, return to America.

In the meantime, the emoluments of his office are, as I suspect, rendered necessary to him by the expenses he incurred in America.

From your favor of November 2d, by Mr. Houdon, which I received three days ago, it would seem that an estimate is expected from him of the cost of the equestrian statue of General Washington. But, as this would depend altogether on the dimensions of the statue, he will be unable to make an estimate till these dimensions be decided. The Gazettes of France and Leyden, from the 25th of October to this date, are forwarded herewith.

I had the honor of writing to you, by the way of London, on the 24th of last month, and have now that of assuring you of those sentiments of esteem and respect with which I am, sir, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Hearing frequent complaints in this country that little of our commerce came to it; that while our flag covered the Thames, it was rarely to be seen in a port of France, and that this proceeded from national prejudices; and observing that this complaint was often repeated, and particularly relied on by those who had opposed

our admission into the French Islands, I thought it necessary, on every possible occasion, to shew how much the cause was mistaken, while the fact was admitted to be true. In every conversation, therefore, with the Count de Vergennes, I had endeavored to convince him that, were national prejudice alone listened to, our trade would quit England, and come to France; but that the impossibility of making payments here prevented our making purchases. On a particular occasion, in the month of August, I enumerated to him our exports, and shewed him that for some of them there was no demand here, and that others were received under such circumstances as discouraged their being brought. When, in going through this enumeration, I came to the article of tobacco, he observed that the King received such a revenue on that as could not be renounced. I told him we did not wish it to be renounced, or even lessened, but only that the monopoly should be put down. That this might be effected in the simplest manner, by obliging the importer to pay, on entrance, a duty equal to what the King now received, or to deposit his tobacco in the King's warehouses till it was paid, and then permitting him a free sale of it. "*Ma foi, (said the Count,) c'est une bonne idée: il faut y penser,*" or "*y travailler,*"* I do not recollect which. This answer was encouraging, and another circumstance rendered it necessary to press this article at this particular moment. Though the general farm of the revenues had still more than a twelve month to run, the treaty for the removal of it was actually begun between the Comptroller General and the Farmers General, and it was expected to be concluded during the voyage to Fontainebleau, which was now approaching. Tobacco making an article of that farm, it seemed to be the moment when it might be withdrawn from that contract. I had, therefore, intended to make a representation on the subject which should bring under view of the King's council the ill consequences of that monopoly, and induce them to discontinue it. The manner in which the Count de Vergennes appeared to be struck with the idea suggested in the conversation beforementioned, determined me to make this representation immediately. As soon as I returned to Paris, therefore, I wrote him the following letter, wherein I digested and added to what I had said to him under the head of tobacco.

* My faith! it is a good idea: we must think of it, or we must act upon it.

"From Thomas Jefferson to the Count de Vergennes.

"Paris, August 15, 1785.

"In the conversation which I had the honor of having with your Excellency a few days ago, on the importance of placing *at this time* the commerce between France and America on the best footing possible, among other objects of this commerce that of tobacco was mentioned as susceptible of greater encouragement and advantage to the two nations. Always distrusting what I say in a language I speak so imperfectly, I will beg your permission to state in English the substance of what I then had the honor to observe, adding some more particular details for your consideration.

"I find the consumption of tobacco in France estimated at from fifteen to thirty millions of pounds. The most probable estimate, however, places it at twenty-four millions. This costing eight sous the pound, delivered in a port of France, amounts to *Livres* 9,600,000

"Allow six sous a pound as the average cost of the different manufactures	7,200,000
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"The revenue which the King derives from this is something less than	30,000,000
--	------------

"Which would make the cost of the whole....	46,800,000
---	------------

"But it is sold to the consumers at an average of 3-8 livres the pound	72,000,000
--	------------

"There remains then for the expenses of collection	25,200,000
--	------------

which is within a sixth as much as the King receives, and so gives nearly one half for collecting the other.* It would be presumptive in me, a stranger, to suppose my numbers perfectly accurate. I have taken them from the best and most disinterested authorities I could find. Your Excellency will know how far they are wrong, and should you find them considerably wrong, yet I am persuaded you will find, after strictly correcting them, that the collection of this branch of the revenue still absorbs too much.

"My apology for making these remarks will I hope be found in my wishes to improve the commerce between the two nations, and the interest which my own country will derive from this improvement. The monopoly of the purchase of tobacco in France

discourages both the French and American merchant from bringing it here, and from taking in exchange the manufactures and productions of France.

“It is contrary to the spirit of trade and to the dispositions of merchants to carry a commodity to any market, when but one person is allowed to buy it; and where of course that person fixes its price which the seller must receive, or reëxport his commodity at the loss of his voyage hither. Experience accordingly shews that they carry it to other markets, and that they take in exchange the merchandize of the place where they deliver it.

“I am misinformed, if France has not been furnished from a neighboring nation with considerable quantities of tobacco since the peace, and obliged to pay there in coin what might have been paid here in manufactures, had the French and American merchants brought the tobacco originally here. I suppose, too, that the purchases made by the Farmers General in America are paid for chiefly in coin, which coin is also remitted directly hence to England, and makes an important part of the balances supposed to be in favor of that nation against this.

“To satisfy Government on this head, should the Farmers General, by themselves or by the company to whom they may commit the procuring these tobaccos from America, require the exportation of a proportion of merchandize in exchange for them, it is an unpromising expedient. It will only commit the exports, as well as the imports between France and America, to a monopoly, which, being secure against rivals in the sale of the merchandize of France, is not likely to sell at such moderate prices as may encourage its consumption there, and enable it to bear a competition with similar articles from other countries.

“I am persuaded this exportation of coin may be prevented, and that of commodities effected, by leaving both operations to the French and American merchants, instead of the Farmers General. They will import a sufficient quantity of tobacco, if they are allowed a perfect freedom in the sale, and they will receive in payment wines, oils, brandies, and manufactures, instead of coin, forcing each other by their competition to bring tobacco of the best quality, to give to the French manufacturer the full worth of his merchandize, and to sell to the American consumer at the lowest price they can afford; thus encouraging him to use in preference the merchandize of this country.

"It is not necessary that this exchange should be favored by any loss of revenue to the King. I do not mean to urge any thing which shall injure either his Majesty or his people. On the contrary, the measure I have the honor of proposing will increase his revenue, while it places both the seller and buyer on a better footing.

"It is not for me to say what system of collection may be best adapted to the organization of this Government; nor whether any useful hints may be taken from the practice of *that* country which has heretofore been the principal *entrepôt* of that commodity. Their system is simple and little expensive. The importer there pays the whole duty to the King, and, as this would be inconvenient for him to do before he has sold his tobacco, he is permitted, on arrival, to deposite it in the King's warehouse under the locks of the King's officer. As soon as he has sold it, he goes with the purchaser to the warehouse, the money is there divided between the King and him, to each his proportion, and the purchaser takes out the tobacco. The payment of the King's duty is thus ensured in ready money. What is the expense of its collection I cannot say, but it certainly need not exceed six livres a hogshead of one thousand pounds. That Government levies a higher duty on tobacco than is levied here; yet so tempting and so valuable is the perfect liberty of sale that the merchant carries it there, and finds his account in carrying it there.

"If by a simplication of the collection of the King's duty on tobacco the cost of that collection can be reduced even to five per cent., or a million and a half instead of twenty-five millions, the price to the consumer will be reduced from three to two livres the pound. For thus I calculate: The cost, manufacture, and revenue on twenty-four million pounds of tobacco being, as stated before, five per cent. on thirty million livres.....

Livres, 46,800,000	
Expenses of collection	1,500,000

Gives what the consumers would pay—being about	
two livres a pound	48,300,000
But they pay at present three livres a pound	72,000,000

The difference is	23,700,000
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"The price being thus reduced one third, would be brought within the reach of a new and numerous circle of the people, who cannot

at present afford themselves this luxury. The consumption would then probably increase, and perhaps in the same, if not a greater, proportion with the reduction of the price; that is to say, from twenty-four to thirty-six millions of pounds; and the King, continuing to receive twenty-five sous on the pound, as at present, would receive forty-five instead of thirty-six millions of livres, while his subjects would pay but two livres for an object which has heretofore cost them three. Or if, in the event the consumption were not to be increased, he would levy only forty-eight millions on his people where seventy-two millions are now levied, and would leave twenty-four millions in their pockets, either to remain there or to be levied in some other form, should the state of his revenues require it.

"It will enable his subjects, also, to dispose of between nine and ten millions worth of their produce and manufactures, instead of sending nearly that sum annually in coin to enrich a neighboring nation.

"I have heard two objections made to the suppression of this monopoly.

1st. That it might increase the importation of tobacco in contraband. 2d. That it would lessen the abilities of the Farmers General to make occasional loans of money to the public Treasury. These objections will certainly be better answered by those who are better acquainted than I am with the details and circumstances of the country. With respect to the first, however, I may observe, that contraband does not increase or lessen the temptations to it. It is now encouraged by being able to sell for sixty sous what cost but fourteen, leaving a gain of forty-six sous. When the price shall be reduced from sixty to forty sous, the gain will be but twenty-six; that is to say, a little more than one half of what it is at present.

"It does not seem a natural consequence, then, that contraband should be increased by reducing its gain nearly one half.

"As to the second objection, if we suppose (for elucidation, and without presuming to fix) the proportion of the farm on tobacco at one eighth of the whole mass farmed, the abilities of the Farmers General to lend will be reduced one eighth; that is, they can hereafter lend only seven millions where heretofore they have lent eight. It is to be considered, then, whether this eighth (or other proportion, whatever it be) is worth the annual sacrifice of twenty-four millions, or if a much smaller sacrifice to other moneyed men will not produce the same loans of money in the ordinary way.

"While the advantages of an increase of revenue to the Crown, a diminution of impost on the people, and a payment in merchandize instead of money, are conjectured as likely to result to France from a suppression of the monopoly on tobacco, we have also reason to hope some advantages on our part, and this hope alone could justify my entering into the present details.

"I do not expect this advantage will be by an augmentation of price. The other markets of Europe have too much influence on this article to admit any sensible augmentation of price to take place. But the advantage principally expected, is an increase of consumption.

"This will give us a vent for so much more, and of consequence find employment for so many more cultivators of the earth; and in whatever proportion it increases this production for us, in the same proportion will it procure additional vent for the merchandize of France, and employment for the hands which produce it. I expect that by bringing our merchants here they would procure a number of commodities in exchange, better in kind and cheaper in prices.

"It is with sincerity I add that warm feelings are indulged in my breast by the further hope that it would bind the two nations still closer in friendship by binding them in interest. In truth, no two countries are better calculated for the exchanges of commerce. France wants rice, tobacco, pot-ash, furs, ship timber; we want wines, brandies, oils, and manufactures.

"There is an affection, too, between the two people, which disposes them to favor one another. If they do not come together, then, to make the exchange in their own ports, it shows there is some substantial obstruction in the way. We have had the benefit of too many proofs of his Majesty's friendly disposition towards the United States, and know too well his affectionate care of his own subjects, to doubt his willingness to remove these obstructions if they can be unequivocally pointed out. It is for his wisdom to decide whether the monopoly which is the subject of this letter be deservedly classed with the principal of these.

"It is a great comfort for me, too, that in presenting this to the mind of his Majesty your Excellency will correct my ideas where an insufficient knowlege of facts may have led me into errors, and that while the interest of the King and his people are the first objects

of your attention, an additional one will be presented by those dispositions towards us which have heretofore so often befriended our nation.

“We fervently invoke Heaven to make the King’s life and happiness the objects of his peculiar care, and that he may long be relieved in the burthen of government by your wise counsels. Permit me to add the assurance of that high respect and esteem with which I have the honor to be, &c.”

To this letter I received no other answer but that he had transmitted it to the Comptroller General. The general farm was not renewed at Fontainebleau.

In the beginning of November a Mr. Boylston, of Massachusetts, brought a cargo of whale oil to Havre, with letters to the Marquis de la Fayette and myself, recommending him to our assistance in disposing of it. He wished us to endeavor to obtain for his cargo the exemption from duty which the Marquis had obtained the preceding year for a particular company.

I observed to the Marquis that this was doing business by piecemeal, and making many favors of one. That it would be better to take up the subject generally to get it placed on equal ground for all our citizens, and to try what Government would do in a general way to encourage the importation of this article. He came into these ideas. As my applications could only be to the Count de Vergennes, and the delays which follow official propositions, which are to be handed from one department to another, backwards and forwards, were likely to be too long to answer Boylston’s purpose, the Marquis, with that zeal and activity with which he seizes every opportunity of serving our country, applied immediately to M. de Calonne, the Comptroller General, making Boylston’s case the occasion of the application, but proposing a general regulation. He pressed the proposition so efficaciously that he obtained, in a few days, from Monsieur de Calonne, an agreement to receive our oils on the footing on which they receive those of the Hanseatic towns, by which means the duties, which had been at thirty-six livres fifteen sols the barrel of five hundred pounds, French weight, as may be seen by a statement given me by Monsieur Langrain, were now reduced to eleven livres five sols, being about two livres on the English hundred, or a guinea and a half the ton, as the ton is

estimated in England. But this indulgence was limited to one year's continuance.

For the particulars of this I refer to the letter of M. de Calonne to the Marquis de la Fayette, dated November 17, 1785; and to that of the Count de Vergennes to me dated November 30, 1785.

The next levee day at Versailles I meant to bring again under the view of the Count de Vergennes the whole subject of our commerce with France; but the number of audiences of Ambassadors and other Ministers which take place of course before mine, and which seldom, indeed, leave me an opportunity of audience at all, prevented me that day.

I was only able to ask of the Count de Vergennes, as a particular favor, that he would permit me to wait on him some day that week.

He did so, and I went to Versailles the Friday following, 9th of December. M. de Reyneval was with the Count. Our conversation began with the usual topic—that the trade of the United States had not yet learned the way to France, but continued to centre in England, though no longer obliged by law to go there. I observed that the real cause of this was to be found in the difference of the commercial arrangements in the two countries. That merchants would not and could not trade but where there was to be some gain; that the commerce between two countries could not be kept up but by an exchange of commodities; that if an American merchant was forced to carry his produce to London, it could not be expected that he would make a voyage from thence to France with the money, to lay it out here; and, in like manner, that if he could bring his commodities with advantage to this country, he would not make another voyage to England with the money to lay it out there, but would take, in exchange, the merchandize of this country.

The Count de Vergennes agreed to this, and particularly that where there was no exchange of merchandize there could be no durable commerce, and that it was natural for merchants to take their returns in the port where they sold their cargo.

I desired his permission then to take a summary view of the productions of the United States, that we might see which of them could be brought here to advantage.

1st, Rice. France gets from the Mediterranean a rice, not so good, indeed, but cheaper than ours. He said that they bought of our rice, but that they got from Egypt also rice of a very fine quality.

I observed that such was the actual state of their commerce in that article, that they take little from us.

2d, Indigo. They make plenty in their own colonies. He observed that they did, and that they thought it better than ours.

3d, Flour, Fish, and Provisions of all sorts, they produce for themselves.

That these articles might, therefore, be considered as not existing for commerce between the United States and the Kingdom of France, I proceeded to those capable of becoming objects of exchange between the two nations :

1st. Peltry and Furs. Our posts being in the hands of the English we are cut off from that article. I am not sure, even, whether we are not obliged to buy of them for our own use. When these posts are given up, if ever they are, we shall be able to furnish France with skins and furs to the amount of two millions of livres in exchange for her merchandize. But at present these articles are to be counted as nothing.

2d. Pot-ash. An experiment is making whether this can be brought here. We hope it may, but at present it stands for nothing. He observed that it was much wanted in France, and he thought it would succeed.

3d. Naval Stores. Trials are also making on these as subjects of commerce with France. They are heavy, and the voyage long ; the result therefore is extremely doubtful. At present they are as nothing in our commerce with this country.

4th. Whale Oil. I told him I had great hopes the late diminution of duty would enable us to bring this article to France ; that a merchant was just arrived (Mr. Barrett) who proposed to settle at L'Orient, for the purpose of selling the cargoes of this article and choosing the returns. That he had informed me that in the first year it would be necessary to take one third in money, and the remainder only in merchandize, because the fishermen indispensably require some money. But he thought that after the first year the merchandize of the preceding year would always produce money for the ensuing one, and that the whole amount would continue to be taken annually afterwards in merchandize. I added that though the diminution of duty was expressed to be but for one year, yet I hoped they would find their advantage in renewing and continuing it ; for that if they intended really to admit it for one year only, the fisher-

men would not find it worth while to rebuild their vessels, and to prepare themselves for the business.

The Count expressed satisfaction on the view of commercial exchange held up by this article. He made no answer as to the continuance of it, and I did not choose to tell him at that time that we should claim its continuance under their treaty with the Hanseatic towns, which fixes this duty for them, and our own treaty, which gives us the rights of the most favored nation.

5th. Tobacco.—I recalled to the memory of the Count de Vergennes the letter I had written to him on this article, and the object of the present conversation being how to facilitate the exchange of commercial articles between the two countries, I pressed that of tobacco in this point of view, observed that France at present paid us ten millions of livres for this article, that for such portions of it as were bought in London they sent the money directly there, and for what they bought in the United States was still remitted to London in bills of exchange. Whereas, if they would permit our merchants to sell this article freely, they would bring it here and take the returns on the spot in merchandize, not money.

The Count observed that my proposition contained what was doubtless useful, but that the King received on this article at present a revenue of twenty-eight millions, which was so considerable as to render them fearful of tampering with it; that the collection of this revenue, by way of farm, was of very ancient date, and that it was always hazardous to alter arrangements of long standing, and of such infinite combinations with the fiscal system.

I answered that the simplicity of the mode of collection proposed for this article withdrew it from all fear of deranging other parts of their system; that I supposed they would confine the importation to some of their principal ports, probably not more than five or six; that a single collector in each of these was the only new officer requisite; that he could get rich himself on six livres a hogshead, and would receive the whole revenue and pay it into the treasury at short hand. M. de Rayneval entered particularly into this part of the conversation, and explained to the Count more in detail the advantages and the simplicity of it; and concluded, by observing to me that it sometimes happened that useful propositions, though not practicable at one time, might become so at another. I told him that that consideration had induced me to press the matter when I

did, because I had understood the renewal of the farm was then on the carpet, and that it was the precise moment when I supposed that this portion might be detached from the mass of farms.

I asked the Count de Vergennes whether, if the renewal of the farm was pressing, this article might not be separated, merely in suspense, until Government should have time to satisfy themselves on the expediency of renewing it. He said no promises could be made.

In the course of this conversation, he had mentioned the liberty we enjoyed of carrying our fish to the French islands.

I repeated to him what I had hinted in my letter of November 20th, 1785, that I considered as a prohibition the laying such duties on our fish, and giving such premiums on theirs as made a difference between their and our fishermen of fifteen livres the quintal, in an article which sold but for fifteen livres.

He said it would not have that effect, for two reasons.

1st. That their fishermen could not furnish supplies for their islands, and of course the inhabitants must of necessity buy our fish. 2d. That from the constancy of our fisheries, and the short season during which theirs continued, also the economy and management of ours compared with the expense of theirs, we had always been able to sell our fish in the islands at twenty-five livres the quintal, while they were obliged to ask thirty-six livres. (I suppose he meant the livre of the French islands.) That thus the duty and premium had been a necessary operation on their side, to place the sale of their fish on a level with ours, and that without this theirs could not bear the competition.

I have here brought together the substance of what was said on the preceding subjects, not pretending to give it verbatim, which my memory does not enable me to do. I have probably omitted many things which were spoken, but have mentioned nothing which was not. It was interrupted at times with collateral matters. One of these was important. The Count de Vergennes complained, and with a good deal of stress, that they did not find a sufficient dependence on arrangements taken with us. This was the third time, too, he had done it; first, in a conversation at Fontainebleau, when he first complained to me of the navigation acts of Massachusetts and New Hampshire; secondly, in his letter of October 30, 1785, on the same subject; and now, in the present conversation, wherein he

added, as another instance, the case of the Chevalier Mezieres, heir of General Oglethorpe, who, notwithstanding that the 11th article of the treaty provides that the subjects or citizens of either party shall succeed *ab intestato* to the lands of their ancestors, within the dominions of the other, had been informed by Mr. Adams and by me also, that this right of succession to the General's estate in Georgia was doubtful. He observed, too, that the administration of justice with us was tardy, inasmuch that their merchants, when they had money due to them within our States, considered it as desperate; and that our commercial regulations in general were disgusting to them. These ideas were new, serious, and delicate.

I decided, therefore, not to enter into them in that moment, and the rather as we were speaking in French, in which language I did not choose to hazard myself.

I withdrew from the objections of the tardiness of justice with us, and the disagreeableness of our commercial regulations, by a general observation that I was not sensible they were well founded. With respect to the case of the Chevalier de Mezieres, I was obliged to enter into some explanations. They related chiefly to the legal operation of our declaration of independence to the undecided question, whether our citizens and British subjects were thereby made aliens to one another to the general laws as to conveyance of land to aliens, and a doubt whether an act of the Assembly of Georgia might not have been passed to confiscate General Oglethorpe's property, which would, of course, prevent its devolution on any heir.

M. Reyneval observed that in this case it became a mere question of fact, whether a confiscation of these lands had taken place before the death of General Oglethorpe, which fact might be easily known by inquiries in Georgia, where the possessions lay.

I thought it very material that the opinion of this Court should be set to rights on these points.

On my return, therefore, I wrote the following observations on them, which, the next time I went to Versailles, (not having an opportunity of speaking to the Count de Vergennes,) I put into the hands of M. Reyneval, praying him to read them, and to ask the favor of the Count to do the same:

Explanations on some of the subjects of the conversation which I had the honor of having with his Excellency the Count de Vergennes, when I was last at Versailles.

The principal design of that conversation was to discuss those articles of commerce which the United States could spare, which are wanted in France, and if received there on a convenient footing, would be exchanged for the productions of France. But in the course of conversation, some circumstances were incidently mentioned by the Count de Vergennes, which induced me to suppose he had received impressions neither favorable to us, nor derived from perfect information.

The case of Chevalier de Mezieres was supposed to furnish an instance of our disregard to treaties, and the event in that case was inferred from opinions supposed to have been given by Mr. Adams and myself.

This is ascribing a weight to our opinions to which they are not entitled. They will have no influence on the decision of the case. The judges in our courts would not suffer them to be read. Their guide is the law of the land of which law its treaties make a part.

Indeed, I know not what opinion Mr. Adams may have given on this case, and if any may be imputed to him derogatory of our regard to the treaty with France, I think his opinion has been misunderstood. With respect to myself, the doubts which I expressed to the Chevalier de Mezieres as to the success of his claims, were not founded on any question whether the treaty between France and the United States would be observed.

On the contrary, I venture to pronounce that it will be religiously observed if his case comes under it. But I doubted whether it would come under the treaty. The case, as I understood it, is: General Oglethorpe, a British subject, had lands in Georgia. He died since the peace, having devised those lands to his wife. The heirs are the Chevalier de Mezieres, son of his eldest sister, and the Marquis de Bellegarde, son of his younger sister. This case gives rise to legal questions, some of which have not yet been decided, either in England or in America, the laws of which countries are nearly the same.

1st. It is a question under the laws of those countries whether persons born *before their separation*, and once completely invested

in both with the character of natural subjects, can ever become aliens in either? There are respectable opinions on both sides. If the negative be right, then General Oglethorpe, having never become an alien, and having devised his lands to his wife, who, on this supposition also, was not an alien, the devisee has transferred the lands to her, and there is nothing left for the treaty to operate on.

2d. If the affirmative opinion be right, and the inhabitants of Great Britain and America, *born before the Revolution*, are become aliens to each other, it follows, by the laws of both, that the lands which either possessed within the jurisdiction of the other, became the property of the State in which they are. But a question arises, whether the transfer of the property took place on the declaration of independence, or not till an office or an act of assembly had declared the transfer. If the property passed to the State on the declaration of independence, then it did not remain in General Oglethorpe, and, of course, at the time of his death, he having nothing, there was nothing to pass to his heirs, and so nothing for the treaty to operate on.

3d. If the property does not pass till declared by an office, found by a jury, or an act passed by the assembly, the question then is, whether an office had been found or an act of assembly been passed for that purpose before the peace? If there was, the lands had passed to the State during his life, and nothing being left in him, there is nothing for his heirs to claim under the treaty.

4th. If the property had not been transferred to the State before the peace, either by the Declaration of Independence, or an office, or an act of assembly, then it remained in General Oglethorpe at the epoch of the peace; and it will be insisted, no doubt, that by the sixth article of the treaty of peace between the United States and Great Britain, which forbids future confiscations, General Oglethorpe acquired a capacity of holding and of conveying his lands. He has conveyed them to his wife. But she being an alien, it will be decided by the laws of the land whether she took them for her own use, or for the use of the State. For it is a general principle of our law, that conveyances to aliens pass the lands to the State. And it may be urged that, though by the treaty of peace, General Oglethorpe could convey, yet that treaty did not mean to give him a greater privilege of conveyance than natives hold, to wit: a privilege of transferring the property to persons incapable by law of taking it.

However, this would be a question between the State of Georgia and the widow of General Oglethorpe, in the decision of which the Chevalier de Mezieres is not interested; because, whether she takes the land by the will, for her own use or for that of the State, it is equally prevented from descending to him. There is neither a conveyance to him, nor a succession *ab intestato* devolving on him, which are the cases provided for by our treaty with France. To sum up this matter in a few words, if the lands had passed to the State before the epoch of peace, the heirs of General Oglethorpe cannot say they have descended on them; and, if they remained in the General at that epoch, the treaty saving them to him, he could convey them away from his heirs, and he has conveyed them to his widow, either for her own use, or for that of the State.

Seeing no event in which, according to the facts stated to me, the treaty could be applied to this case, or could give any right whatever to the heirs of General Oglethorpe, I advised the Chevalier de Mezieres not to urge his pretensions on the foot of right, nor under the treaty, but to petition the assembly of Georgia for a grant of these lands.

If, in the question between the State and the widow of General Oglethorpe, it should be decided that they were the property of the State, I counted on their generosity and the friendly dispositions in America towards the subjects of France, that they would be favorable to the Chevalier de Mezieres. There is nothing in the preceding observations which would not have applied against the heir of General Oglethorpe, had he been a native citizen of Georgia, as it now applies against him, being a subject of France. The treaty has placed the subjects of France on a footing with natives as to conveyances and descent of property.

There was no occasion for the Assemblies to pass laws on this subject, the treaty being a law, as I conceive, superior to those of particular Assemblies, and repealing them where they stand in the way of its operation.

The supposition that the treaty was disregarded on our part in the instance of the acts of Assembly of Massachusetts and New Hampshire, which made a distinction between natives and foreigners as to the duties to be paid on commerce, was taken notice of in the letter of November 20th, which I had the honor of addressing to the Count de Vergennes. And while I express my hopes that on a

revision of those subjects nothing will be found in them derogatory from either the letter or spirit of our treaty, I will add assurances that the United States will not be behindhand in going beyond both whenever occasions shall offer of manifesting their sincere attachment to this country.

I will pass on to the observation that our commercial regulations are difficult and repugnant to the French merchants. To detail these regulations minutely as they exist in every State would be beyond my information. A general view of them, however, will suffice, because the States differ little in their several regulations. On the arrival of a ship in America her cargo must be reported at the proper office. The duties on it are to be paid. These are commonly from two and a half to five per cent. on its value. On many articles, the value of which is tolerably uniform, the precise sum is fixed by law. A tariff of these is presented to the importer, and he can see what he has to pay, as well as the officer. For other articles the duty is such a per cent. on their value. That value is either shown by the invoice or by the oath of the importer. This operation being once gone over—and it is a very short one—the goods are considered as entered, and may then pass through the whole thirteen States without their being ever more subject to a question, unless they be reshipped.

Exportation is still more simple, because, as we prohibit the exportation of nothing, and very rarely lay a duty on any article of export, the State is little interested in examining outward-bound vessels. The Captain asks a clearance for his own purposes. As to the operations of internal commerce, such as matters of exchange, of buying, selling, bartering, &c., our laws are the same as the English. If they have been altered in any instance, it has been to render them more simple.

Lastly, as to the tardiness of the administration of justice with us, it would be equally tedious and impracticable for me to give a precise account of it in every State. But I think it probable that it is much on the same footing through all the States, and that an account of it, in any one of them, may found a general presumption of it in the others. Being best acquainted with its administration in Virginia, I shall confine myself to that. Before the Revolution a judgment could not be obtained under eight years in the Supreme Court, where the suit was in the department of the common law, which départ-

ment embraces about nine tenths of the subjects of legal contestation. In that of the Chancery from twelve to twenty years were requisite. This did not proceed from any vice in the laws, but from the indolence of the judges appointed by the King; and these judges, holding their offices during his will only, he could have reformed the evil at any time. This reformation was among the first works of the Legislature after their independence.

A judgment can now be obtained in the Supreme Court in one year at the common law, and in about three years in the chancery.

But more particularly to protect the commerce of France, which at that moment was considerable with us, a law was passed giving all suits wherein a foreigner was a party a privilege to be tried immediately on the return of their process, without waiting till those of natives which stand before them shall have been decided on. Out of this act, however, the British stand excluded by a subsequent one. This, with all its causes, must be explained.

The British army, after ravaging the State of Virginia, had sent off a very great number of slaves to New York. By the 7th article of the treaty of peace they stipulated not to carry away any of these. Notwithstanding this, it was known when they were evacuating New York that they were carrying away the slaves.

General Washington made an official demand of Sir Guy Carleton that he should cease to send them away. He answered that these people had come to him under promise of the King's protection, and that that promise should be fulfilled in preference to the stipulation in the treaty.

The State of Virginia, to which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared at the same time they would repeal that law if Congress were of opinion they ought to do it. But desirous their citizens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits and to receive their debts in seven equal and annual payments, relying that the demand for the slaves would either be admitted or denied in time to lay their hands on some of the latter payments for reimbursement. The immensity of this debt was another reason for forbidding such a mass of property to be offered for sale under execution at once, as from the small quantity of circulating money it must have sold for little

or nothing, whereby the creditor would have failed to receive his money, and the debtor would have lost his whole estate without being discharged of his debt.

This is the history of the delay of justice in that country in the case of British creditors.

As to all others its administration is as speedy as justice itself will admit.

I presume it is equally so in all the other States, and can add that it is administered in them all with a purity and integrity of which few countries afford an example.

I cannot take leave altogether of the subjects of this conversation without recalling the attention to what had been its principal drift. This was to endeavor to bring about a direct exchange between France and the United States (without the intervention of a third nation) of those productions with which each could furnish the other. We can furnish to France (because we have heretofore furnished to England) of whale oil and spermaceti, of furs and peltry, of ships and naval stores, and of pot-ash, to the amount of fifteen millions of livres, and the quantities will admit of increase. Of our tobacco France consumes the value of ten millions more.

Twenty-five millions of livres then mark the extent of that commerce of exchange which is at present practicable between us. We want in return productions and manufactures, not money. If the duties on our produce are light, and the sale free, we shall undoubtedly bring it here, and lay out the proceeds on the spot, in the productions and manufactures which we want. The merchants of France will, on their part, become active in the same business. We shall no more think, when we shall have sold our produce here, of making an useless voyage to another country to lay out the money, than we think at present when we have sold it elsewhere, of coming here to lay out the money. The conclusion is, that there are commodities which form a basis of exchange to the extent of a million of guineas annually ; it is for the wisdom of those in power to contrive that the exchange shall be made."

Having put this paper into the hands of Monsieur Reyneval, we entered into conversation again on the subject of the farms, which were now understood to be approaching to a conclusion. He told me that he himself was decidedly of opinion that the interest of the

State required the farm of tobacco to be discontinued; that he had, accordingly, given every aid to my proposition which laid within his sphere; that Count de Vergennes was very clearly of the same opinion, and had supported it strongly with reasons of his own when he transmitted it to the Comptroller General; but that the Comptroller, in the discussions of this subject which had taken place, besides the objections which the Count de Vergennes had repeated to me, and which are before mentioned, had added that the contract with the Farmers General was now so far advanced that the article of tobacco could not be withdrawn from it without unraveling the whole transaction.

Having understood that in this contract there was always reserved to the Crown a right to discontinue it at any moment, making just reimbursements to the Farmers, I asked M. Reyneval if the contract should be concluded in its present form whether it might still be practicable to have it discontinued, as to the article of tobacco, at some future moment. He said it might be possible.

Upon the whole, the true obstacle to this proposition has penetrated in various ways through the veil which covers it.

The influence of the Farmers General has heretofore been found sufficient to shake a Minister in his office. Monsieur de Calonne's continuance or dismissal has been thought for some time to be on a poise. Were he to shift this great weight, therefore, out of his own scale into that of his adversaries, it would decide their preponderance. The joint interests of France and America would be an insufficient counterpoise in his favor.

It will be observed that these efforts to improve the commerce of the United States have been confined to that branch only which respects France itself, and that nothing passed on the subject of our commerce with the West Indies, except an incidental conversation as to our fish.

The reason of this was no want of a due sense of its importance. Of that I am thoroughly sensible. But efforts in favor of this branch would, at present, be desperate. To nations with which we have not yet treated, and who have possessions in America, we may offer a free vent of their manufactures in the United States for a full or a modified admittance into those possessions.

But to France we were obliged to give that freedom for a different compensation, to wit: For her aid to affect our independence.

It is difficult, therefore, to say what we have now to offer her for an admission into her West Indies. Doubtless it has its price. But the question is what this would be, and whether worth our while to give it. Were we to propose to give to each other's citizens all the right of natives, they would of course count what they should gain by this enlargement of right, and examine whether it would be worth to them as much as their monopoly of their West Indian commerce. If not, that commercial freedom which we wish to preserve, and which, indeed, is so valuable, leaves us little else to offer.

An expression in my letter to the Count de Vergennes of November 20th, wherein I hinted that both nations might perhaps come into the opinion that the condition of *natives* might be a better ground of intercourse for their citizens than that of the *most favored* nation, was intended to furnish an opportunity to the Minister of parleying on that subject, if he was so disposed, and to myself of seeing whereabouts they would begin, that I might communicate it to Congress, and leave them to judge of the expediency of pursuing the subject.

But no overtures have followed; for I have no right to consider as coming from the Minister certain questions which were very soon after proposed to me by an individual.

It sufficiently accounts for these questions that that individual had written a memorial on the subject for the consideration of the Minister, and might wish to know what we would be willing to do. The idea that I should answer such questions to him is equally unaccountable. We suppose them originating with himself, or coming from the Minister.

In fact, I must suppose them to be his own; and I transmit them only that Congress may see what one Frenchman at least thinks on the subject.

If we can obtain from Great Britain reasonable conditions of commerce, (which in my idea must forever include an admission into her islands,) the freest ground between the two nations would seem to be the best. But if we can obtain no equal terms from her, perhaps Congress might think it prudent, as Holland has done, to connect us unequivocally with France.

Holland has purchased the protection of France. The price she pays is *aid in time of war*. It is interesting for us to purchase a free commerce with the French islands. But whether it is best to pay for it by *aids in war*, or by *privileges in commerce*, or *not to purchase it at all*, is the question.

FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, October 11, 1785.

Sir,

I have the pleasure to inform you of the receipt of the ratification of the treaty of commerce and amity, which I have had the satisfaction of negotiating with yourself and colleagues. When that of the United States of America comes to hand, I shall hasten to concert with you the most proper means for the customary exchange in transactions of this kind.

If Mr. Short is still with you, I must request you, sir, to remember my respects to him, and assure him that I consider myself under great obligations to you for the opportunities you afforded me of becoming acquainted with him. Mr. Short appeared to me as no less distinguished by his knowledge and information than by his abilities in the management of business.

I have the honor to be, &c.,

DE THULEMEIER.

P. S. May I ask the favor of you to forward to Baltimore the enclosed letter which has been sent to me by a merchant of Silesia.

—o—

FROM THOMAS JEFFERSON TO THE BARON DE THULEMEIER.

Paris, October 16, 1785.

Sir,

I am to acknowledge the receipt of the letter of the 11th instant, with which you have honored me, and wherein you are pleased to inform me of the ratification by his Prussian Majesty of the treaty of amity and commerce between him and the United States of America. On our part the earliest opportunity was embraced of forwarding it to Congress. It goes by a vessel sailing about this time to Havre. I shall with great pleasure communicate to you its ratification by Congress, in the first moment in which it shall become known to me, and concur in the measures necessary for exchanging the ratifications.

I shall take the greatest care to forward the letter you are pleased to enclose for Baltimore according to its address.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

Paris, October 11, 1785.

Sir,

I have the honor of enclosing to your Excellency a report of a voyage of an American ship, the first which has gone to China.

The circumstance which induces Congress to direct this communication, is the very friendly conduct of the Consul of his Majesty at Macao, and of the commanders and other officers of the French vessels in those seas. It has been with singular satisfaction that Congress have seen these added to the many other proofs of the cordiality of this nation towards our citizens. It is the more pleasing when it appears in the officers of Government, because it is then viewed as an emanation of the spirit of the Government.

It would be an additional gratification to Congress, in this particular instance, should any occasion arise, of notifying those officers that their conduct has been justly represented to your Excellency on the part of the United States, and has met your approbation. Nothing will be wanting on our part to foster corresponding dispositions in our citizens, and we hope that proofs of their actual existence have appeared, and will appear whenever occasion shall offer. A sincere affection between the two people is the broadest basis on which their peace can be built.

It will always be among the most pleasing functions of my office, when I am made the channel of communicating the friendly sentiments of the two Governments.

It is additionally so, as it gives me an opportunity of assuring your Excellency of the high respect and esteem, with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Fontainebleau, October 30, 1785.

Sir,

I have received the letter you did me the honor to write of the 24th of this month, together with that addressed to me on the part of Mr. Samuel Shaw.

I have made it my business to inform the King of the proceedings of his officers, with regard to those who commanded the American ship which has visited China.

His Majesty has learned with real satisfaction that the former have conformed their conduct to the instructions that had been given them, and he instructs you to assure the Congress that on all occasions that may offer, he will be ready to give proofs of his esteem and friendship for the United States, and the sincere interest he takes in their prosperity.

At the same time, I have it in command from his Majesty to observe to you how little regard has been paid in America to the rule of reciprocity, and how much they have shown themselves disposed to depart from those principles which formed a basis for the good understanding which subsists between France and the United States. We are in effect informed, sir, that in several of the States they have passed navigation laws and commercial regulations injurious to the trade of France, and even contrary to the intent of the treaty of February 6th, 1778.

The Congress are too enlightened not to know how much we are affected by such proceedings, as well as too wise and sagacious not to be convinced of the necessity of maintaining things on the same footing of reciprocal advantage on which they have been since the alliance between France and the United States.

Without this precaution, it is impossible that the mutual commerce of the two nations can prosper or even continue; and the King will be under the necessity, contrary to his wishes, to fall upon such means as will tend to put matters upon a perfect equality.

I have the honor to be, &c.,

DE VERGENNES.



FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

Paris, November 20, 1785.

Sir,

I found here, on my return from Fontainebleau, the letter of October 30th, which your Excellency did me the honor there of informing me had been addressed to me at this place; and I shall avail myself of the first occasion of transmitting it to Congress, who will receive, with great pleasure, these new assurances of the friendly

sentiments which his Majesty is pleased to continue towards the United States.

I am equally persuaded they will pay the most serious attention to that part of your Excellency's letter which mentions the information you have received of certain acts or regulations of navigation and commerce, passed in some of the United States, which are injurious to the commerce of France. In the meantime, I wish to remove the unfavorable impressions which those acts seem to have made, as if they were a departure from the reciprocity of conduct stipulated by the treaty of February 6th, 1778. The effect of that treaty is to place each party with the other always on the footing of the most favored nation. But those who framed the acts, probably, did not consider the treaty as restraining either from discriminating between foreigners and natives. Yet this is the sole effect of these acts. The same opinion as to the meaning of the treaty seems to have been entertained by this Government, both before and since the date of these acts. For the arrêt of the King's Council, of August 30th, 1784, furnishes an example of such a discrimination between foreigners and natives importing salted fish into his Majesty's dominions in the West Indies, by laying a duty on that imported by foreigners, and giving out the same bounty to native importers. This opinion shows itself more remarkably in the late arrêts of the 18th and 25th of September, which, increasing to excess the duty on foreign importations of fish into the West Indies, giving the double in bounty on those of the natives, and thereby rendering it impossible for the former to sell in competition with the latter, have, in effect, prohibited the importation of that article by the citizens of the United States.

Both nations, perhaps, may come into the opinion that their friendship and their interest may be better cemented by approaching the condition of their citizens reciprocally to that of *natives* as a better ground of intercourse than that of *the most favored nation*.

I shall rest with hopes of being authorized, in due time, to inform your Excellency that nothing will be wanting on our part to evince a disposition to concur in revising whatever regulations may, on either side, bear hard on the commerce of the other nation.

In the meantime, I have the honor to assure you of the profound respect and esteem with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Versailles, November 30, 1785.

You are hereby informed, sir, that a merchant of Boston having imported a cargo of whale oil into France, has not been able to dispose of it on account of the duties imposed upon this species of commodity; duties which are paid by all nations, excepting the inhabitants of the Hanse-Towns.

The Comptroller General, taking into consideration the loss this merchant must sustain if the payment of the aforementioned duty is rigidly exacted, made application to his Majesty in his favor, who thereupon gave orders that no further duty should be paid by the Boston merchant than is required from and paid by the Hanse-Towns; that is to say, seven livres ten sous, instead of twelve livres per barrel; and that henceforward, till the 1st of January, 1787, no more duty than the first mentioned shall be paid by the inhabitants of the United States upon fish oils of their own production, provided that those oils are imported into France in French or American bottoms, accompanied with a certificate from the magistrates of the places where shipped, attesting their production and authenticated by our Consuls.

I hasten, sir, to inform you of this new regulation, in which, I make no doubt, you will find a new proof of the King's affection for the United States, and of the constant concern he takes in their prosperity.

I have the honor to be, &c.,

DE VERGENNES.



FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

December 2, 1785.

Sir,

I have had the honor of receiving your Excellency's letter of November the 30th, in which you are pleased to inform me of the late abatement of the duties on all fish oils, made from fish, taken by citizens of the United States, and brought into this Kingdom in French or in American bottoms; and I am now to return thanks for this relief given to so important a branch of our commerce.

I shall take the first occasion of communicating the same to Congress, who will receive, with particular satisfaction, this new proof of the King's friendship to the United States, and of the interest which he is pleased to take in their prosperity.

I have the honor to be, &c.,

TH: JEFFERSON.

Extract of a letter from M. de Calonne to the Marquis de la Fayette.

Translation.

Paris, November 17, 1785.

It would afford me the greatest pleasure, sir, to exert my endeavors to facilitate the means of commerce between the people of France and those of the United States of America. In compliance with your wishes, I have proposed to the King to make an abatement till January 1st, 1787, of the duties payable upon fish oils, imported either in French or American vessels, the produce of the American fisheries; and, till that time, that the same duty shall only be paid as is paid by the inhabitants of the Hanse-Towns, in pursuance of the treaty of September 28th, 1716.

His Majesty, having freely granted this favor to the subjects of the United States, I have issued orders to the Farmers General to receive no more than the duty of seven livres ten sous per cask of the weight of five hundred and twenty pounds, and ———, instead of the duty of twelve livres, per barrel, imposed upon oils, the produce of foreign fisheries.

Translation.

Whale oils, from whatever place they come into the kingdom, are liable to the following duties, viz:

	<i>Livres.</i>
1. Per barrel of 500 lbs. gross	12 0
2. 6 deniers per pound, edict of March 21, 1786	12 10
3. The 10 sols per pound out of these two duties	12 5
	<hr/>
	36 15
	<hr/>

Livres.

The barrel of 500 lbs. gross, nett only 420 lbs., which advances the duties per quintal to the sum of.....9 3 9

Not including the local duties of tolls, &c., which may be estimated at about.....15 0

Total of the duties per quintal, payable in France.....9 18 9

There is another duty called special grants not yet fixed, but which ought to be ascertained. Whale oils brought from abroad by French vessels, and on account of the subjects of the King of France, pay only 7*liv.* 10*s.* per barrel of 500 lbs., instead of 12, the first mentioned duty, only.

The other duties are the same.

Translation.

The determination of the Minister of Finance, of November 17, 1785, directs to put the inhabitants of the United States upon the same footing with the inhabitants of the Hanse-Towns in regard to fish oils, the produce of their own fisheries, exported to France; that is to say, instead of paying 12 livres, and 10 sols per livre upon each barrel of oil weighing 520 lbs., that they shall pay only 7 livres 10 sols per barrel of the weight of 520 lbs., and 10 sous per livre. Upon condition, however, that the cargoes be accompanied with a certificate signed by the magistrate of the place from whence the oils are exported, which shall attest them to be the product of the fishery of that country. It is further conditioned that the fish oils before-mentioned shall be exported either in American or French vessels.

Should they be imported into France in the vessels of any foreign nation the said exemption of duty not to take place.

This exemption to continue in force to the 1st day of January, 1787, and no longer.

Translation.

An elucidation of the following queries is desired.

1st. Is a free trade to the French colonies equally necessary to all the United States? Should there be any difference in this respect to ascertain the degree and the cause thereof?

2d. Would the United States allow us reciprocal commercial advantages for the liberty we should grant them of a free access to all our colonial marts?

3d. Is it in the power of the United States to grant favors to one nation which they would refuse to any other?

4th. If France should admit into her ports, without limitation, productions of American growth upon condition of an increase of duty, the repayment of which should be secured to the owners in the compensation that should be made to them in the proceeds of their sales, either of the manufactures or articles the growth of France, would the Americans consent to a trade with us upon such conditions, and consider themselves either injured or favored?

5th. What are the advantages which Congress could promise us in return for those she solicits from us, either in respect to the European or colonial commerce? If France should comply with the requisitions of the United States, would they engage to indemnify us for the losses our navigation must suffer in consequence thereof, by the importation of the least valuable commodities into the colonies; or would they grant us liberty to fish upon the northern coasts of the United States, and secure to us a compensation for the losses above-mentioned by giving a preference to our woolens, our linens, our salt, and our wines?

6th. Is the present Congress invested with sufficient power to establish a treaty upon the basis of reciprocal advantage, like two mutually contracting nations, the articles of whose respective treaties would be exactly correspondent to each other, and whose political as well as commercial regulations should have only one and the same existence?



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 27, 1786.

Sir,

I had the honor of addressing you by the way of London on the 2d instant; since that yours of December 7th has come to hand. I have now the pleasure to inform you that Mr. Barclay having settled, as far as depended on him, the accounts of Monsieur de Beaumarchais, left Paris on the 15th instant to proceed to Morocco. Business obliged him to go by the way of L'Orient and Bordeaux, but he

told me he should not be detained more than a day at either place. We may probably allow him to the last of February to be at Morocco.

The Imperial Ambassador some days ago observed to me that, about eighteen months ago, Doctor Franklin had written to him a letter proposing a treaty of commerce between the Emperor and the United States, that he had communicated it to the Emperor, and had answered to Doctor Franklin that they were ready to enter into arrangements for that purpose, but that he had received no reply from him.

I told him I had been informed by Doctor Franklin of the letter making the proposition, but that this was the first I had ever heard of an answer expressing their readiness to enter into negotiation; that, on the contrary, we had supposed no definitive answer had been given, and that of course the next move was on their side.

He expressed his astonishment at this, and seemed so conscious of having given such an answer that he said he would have it sought for, and send it to me for my inspection. However, he observed that the delay having proceeded from the expectation of each party that the other was to make the next advance, and this matter being now understood the two parties might now proceed to enter into the necessary arrangements.

I told him that Congress had been desirous of entering into connexions of amity and commerce with his Imperial Majesty; that for this purpose they had commissioned Mr. Adams, Dr. Franklin, and myself, or any two of us, to treat; that reasons of prudence had obliged them to affix some term to our commissions, and that two years was the term assigned; that the delay, therefore, which had happened was the more unlucky, as these two years would expire in the ensuing spring.

He said he supposed Congress could have no objections to renew our powers, or perhaps to appoint some person to treat at Brussels.

I told him I was unable to answer that, and we remitted further conversation on the subject till he should send me his letter written to Doctor Franklin. A few days afterwards his *Secrétaire d'Ambassade* called on me with it. It was the letter of September 28th, 1784, (transmitted in due time to Congress,) wherein he had informed Dr. Franklin that the Emperor was disposed to enter into commercial arrangements with us, and that he would give orders to

the Government of the Netherlands to take the necessary measures. I observed to Monsieur de Blumendorff (the Secretary) that this letter shewed we were right in our expectations of their taking the next step. He seemed sensible of it, said that the quarrel with Holland had engrossed the attention of Government, and that these orders relating to the Netherlands only, it had been expected that others would be given, which should include Hungary, Bohemia, and the Austrian dominions in general, and that they still expected such orders.

I told him that while they should be attending them, I would write to Mr. Adams, in London, my colleague in this business, in concert with whom I must move in it.

I think they are desirous of treating, and from questions asked me by Monsieur de Blumendorff, I suspect they have been led to that decision, either by the resolutions of Congress of April, 1784, asking powers from the States to impose restraints on the commerce of States not connected with us by treaty, or else by an act of the Pennsylvania Assembly for giving such powers to Congress, which has appeared in the European papers.

In the meantime I own myself at a loss what to do. Our instructions are clearly to treat. But these made part of a system, wise and advantageous, if executed in all its parts; but which has hitherto failed in its most material branch, that of connexion with the powers having American territory.

Should these continue to stand aloof, it may be necessary for the United States to enter into commercial regulations of a defensive nature.

These may be embarrassed by treaties with the Powers having no American territory, and who are, most of them, so little commercial as perhaps not to offer advantages which may countervail these embarrassments. In case of a war, indeed, these treaties will become of value, and even during peace; the respectability of the Emperor, who stands at the head of one of the two parties, which seem at present to divide Europe, gives a lustre to those connected with him; a circumstance not to be absolutely neglected by us under the actual situation of things.

I append a letter from Mr. Adams on this subject, not trusting the posts, however, and obliged to wait private conveyances. Our intercommunication is slow, and, in the meanwhile, our time shortening fast.

I have the honor to enclose you a letter from the Count de Vergennes, in favor of Mr. Dumas.

With the services of this gentleman to the United States, yourself and Doctor Franklin are better acquainted than I am. Those he has been able to render towards effecting the late alliance between France and the United Netherlands, are the probable grounds of the present application.

The Minister for Geneva has desired me to have inquiries made after Mr. Gallatin, named in the within paper. I will pray you to have the necessary advertisements inserted in the papers, and to be so good as to favor me with the result. I enclose the gazettes of France and Leyden to this date, and have the honor to be, with the most perfect respect and esteem, &c.,

TH: JEFFERSON.

NOTE on the original letter of Mr. Jefferson:

Agreeably to Mr. Jefferson's request, Mr. Jay had the necessary advertisements relative to Mr. Gallatin inserted in all the papers on the continent.



FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Versailles, January 18, 1786.

M. the Marquis de Verac, the King's Ambassador at the Hague, requests me, sir, to interest myself in favor of Mr. Dumas, who resides in Holland, in quality of Chargé d'Affaires of Congress.

That Ambassador at the same time makes the highest eulogiums on the zeal and talents of Mr. Dumas, as well as on the important services which he has rendered to the American cause. Congress has led him to hope for treatment more advantageous and more proportionate to his merit, so soon as America should enjoy some tranquillity.

Mr. Dumas is known advantageously to General Washington and Doctor Franklin.

Testimonies so honorable cannot but complete his eulogium; and the very interesting manner in which the Marquis de Verac expresses himself on his behalf, determines me to join my recommendations to his in favor of this Chargé d'Affaires.

I request the favor of you, sir, to convey them to Congress.

We think that the way to recompense properly the services of Mr. Dumas, will be to give him the title of Resident, with an allowance of four thousand dollars a year, with which we have reason to think he would be satisfied.

The consideration which he enjoys in Holland essentially enables him to be more and more useful to America, and the confidence with which his principles of wisdom and probity inspire me, does not permit me to doubt but that he will think it his duty to justify, by the activity of his zeal, the mark of good will he may receive from Congress.

I should see, sir, with a good deal of interest the success of this affair.

DE VERGENNES.



INQUIRY RELATIVE TO A MR. GALLATIN, OF GENEVA.

Mr. Abraham Albert Alphonso Gallatin left Geneva in April, 1780, for America, and arrived soon after. Whilst engaged in several pursuits, previous to accomplishing his design of settling himself, he became acquainted with a Mr. Savany de Valcoulan, who had purchased several thousand acres of uncultivated land joining the river Ohio, and who made him a partner in this purchase on condition that Mr. Gallatin should take upon himself the expense of having these lands surveyed. It is not known whether the design of clearing this land was viewed with an evil eye by the Indians of that district; but in July, 1785, it was announced in the *Fredericksburg Gazette* in an article under the head of "Richmond" in Virginia, that eleven persons had been surprised by a small party of Indians between the Great and Little Kenhawa, which empty into the Ohio; that this party of Indians was commanded by a white man of the name of Girty; that five of the seven had been killed and scalped, and that among the five were Mr. Gallatin and a Mr. Duval, Senator from that district. Mr. Gallatin was described as a young Frenchman, having lately left Richmond to go into that quarter, which was true of Mr. Gallatin, the Genevan.

This account, taken from that *Gazette*, was written to Geneva, and has been repeated in other European gazettes, but no confirmation of it has been since received. On the contrary, a Mr. Charton,

of Philadelphia, who is expected soon in Europe, told a Mr. Dubey, lately arrived in Neufchatel, in Switzerland, from America, that Mr. Gallatin was still living.

Mr. Gallatin's family desire to be informed with certainty of the fate of this young man; and in the case of his having fallen a victim to the savages they would have need of an authenticated certificate of his death, of the time of that event, and also a copy of his will, if he has made one.

Mr. Gallatin would have been twenty-five years old at the end of February, 1786.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, May 5, 1786.

Dear Sir,

The last letter I had the honor of writing to you was dated the 19th day of January last, since which I have received and laid before Congress yours of the 30th August, 6th and 11th October, 24th December, and 27th January last, with the several papers enclosed with them.

No. 1 of the papers herewith enclosed is an extract from Mr. Otto's note of the 18th ultimo, desiring that the Consular Convention may be speedily ratified.

No. 2 is a copy of a report on that subject agreed to by Congress, which will enable you to account and apologize for the delays that have attended that business.

I also enclose and leave open for your perusal a letter to Mr. Dumas, by which you will perceive that Congress have made such a provision for him as, considering his services and their circumstances, appeared to them to be proper. That act of Congress was transmitted to him by the first opportunity after it had passed. As he makes no mention of it in any of his subsequent letters, I suspect it must have miscarried.

The subjects of your several letters are interesting, and bear strong marks of discernment and assiduity. I forbear entering into particulars by this conveyance. Until this week Congress has not been composed of nine States for more than three or four days since last fall. This will account for my silence on parts of your letters

which required answers and instructions ; for as their sentiments and decisions must direct the public conduct of their officers, I must wait with patience for their orders.

I have received from Mr. Hopkinson a parcel for you, which, agreeable to a hint from him, I shall request the captain of the packet to take as merchandize. The late newspapers shall also be sent by the packet.

I have the honor to be, &c.,

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, May 10, 1786.

Dear Sir,

This will be delivered to you by the Rev. Doctor Samuel Wales, Professor in Yale College in Connecticut, who for the recovery of his health, is advised by his physicians to make a voyage to Europe.

This gentleman is recommended to me in such strong and advantageous terms that I cannot forbear taking the liberty of introducing him to you, and requesting the favor of you to show him those friendly offices and attentions which circumstances and the objects of his voyage may point out.

With great esteem and regard, I have the honor to be, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, March 5, 1786.

Sir,

The several commissions to which Congress were pleased to appoint Colonel Humphreys, Secretary of Legation, being shortly to expire, and a French packet offering him a convenient passage in the month of April, he proposes to avail himself of that occasion of returning to his own country, and of there presenting his respects and thanks to Congress.

As a member of the several commissions with which his office was connected, I think it my duty to bear testimony to his ready, able, and faithful discharge of all its duties ; and I beg leave, through

you to Congress, to assure them that his talents and dispositions are such as they may repose themselves on with security should they think proper to avail our country of them on any future occasion.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

London, March 12, 1786.

Sir,

The date of a letter from London will doubtless be as unexpected to you as it was unforeseen by myself a few days ago. On the 27th of the last month, Colonel Smith arrived in Paris with a letter from Mr. Adams informing me that there was at this place a Minister from Tripoli having general powers to enter into treaties on behalf of his State, and with whom it was possible we might do something in our commissions to that Power; and that he gave reason to believe he could also take arrangement with us for Tunis. He further added that the Minister of Portugal here had received ultimate instructions from his Court, and that probably that treaty might be concluded in the space of three weeks were we all on the spot together. He therefore pressed me to come over immediately.

The first of these objects had some weight on my mind, because, as we had sent no person to Tripoli or Tunis, I thought if we could meet a Minister from them on this ground, our arrangements would be settled much sooner and at less expense. But what principally decided with me was the desire of bringing matters to a conclusion with Portugal before the term of our commission should expire, or any new turn in the negotiations of France and England should abate their willingness to fix a connexion with us.

A third motive had also its weight. I hoped that my attendance here, and the necessity of shortening it, might be made use of to force a decisive answer from this Court.

I therefore concluded to comply with Mr. Adams's request.

I went immediately to Versailles, and apprised the Count de Vergennes that circumstances of public duty called me hither for three or four weeks, arranged with him some matters, and set out with Colonel Smith for this place, where we arrived last night, which was as early as the excessive rigor of the weather permitted.

I saw Mr. Adams immediately, and again to-day. He informs me that the Minister of Portugal was taken ill five or six days ago, has been very much so, but is now somewhat better.

It would be very mortifying, indeed, should this accident, with the shortness of the term to which I limit my stay here, defeat what was the principal object of my journey, and that without which I should hardly have undertaken it. With respect to this country, I had no doubt but that every consideration had been urged by Mr. Adams which was proper to be urged.

Nothing remains undone in this way. But we shall avail ourselves of my journey here, as if made on purpose just before the expiration of our commission, to form our report to Congress on the execution of that commission, which report they may be given to know cannot be formed without decisive information of the ultimate determination of their Court.

There is no doubt what that determination will be; but it will be useful to have it, as it may put an end to all further expectations on our side the water, and shew that the time is come for doing whatever is to be done by us for counteracting the unjust and greedy designs of this country.

We shall have the honor, before I leave this place, to inform you of the result of the several matters which have brought me to it.

A day or two before my departure from Paris, I received your letter of January. The question therein proposed—"How far France considers herself as bound to insist on the delivery of the posts?"—would infallibly produce another: How far we consider ourselves as guarantees of their American possessions, and bound to enter into any future war in which these may be attacked?

The words of the treaty of alliance seem to be without ambiguity on either head. Yet I should be afraid to commit Congress by answering without authority.

I will endeavor on my return to sound the opinion of the Minister, if possible, without exposing myself to the other question. Should anything forcible be meditated on those posts it would possibly be thought prudent previously to ask the good offices of France, to obtain their delivery.

In this case they would probably say we must first execute the treaty on our part, by repealing all acts which have contravened it.

Now this measure, if there be any candor in the Court of London,

would suffice to obtain a delivery of the posts from them without the mediation of any third Power.

However, if this mediation should be finally needed, I see no reason to doubt our obtaining it, and still less to question its omnipotent influence on the British Court.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, June 16, 1786.

Dear Sir,

Since my last to you of the 14th ultimo, I have been honored with yours of the 2d January, and 5th and 12th of March last. I have also received a joint letter from you and Mr. Adams, of 28th March. All of them have been laid before Congress, who as yet have not given me any orders respecting the contents of either.

The first of these letters, viz: that of 2d January, strikes me as very interesting. I always wished, and that very sincerely, that on the return of peace, France might derive essential advantages from our commerce. I regret that this has not been the case, and that the causes which occasioned the disappointment, have not sooner been investigated and removed. In my opinion, you have done it candidly and ably; and it would give me great pleasure to hear that France has so regulated her commerce, as that the people of this country may indulge their desire of giving the productions of this country in exchange for those of that. There is certainly much wisdom and knowledge in France, but the interests of commerce do not appear to be as well understood in that country as in England. However the system of farming and monopoly may comport with the views of Government in some points, the experience of ages bears testimony to the injuries they have done to commerce. Governments, however, like individuals, sometimes become too strongly attached, by long continued habit, even to what daily does them harm. So that we may apply to errors in politics, what was wisely remarked of errors in morals: it is hard for those who are *accustomed* to do evil to learn to do well. When I was in France, I heard that system censured by almost every gentleman whom I heard speak of it, and yet it seems so firmly fixed, perhaps by golden rivets, even on sovereignty itself, as that the speedy destruction of it seems rather to be wished for than expected.

I herewith send copies of several letters respecting Mr. Gallatin, which will enable you to assure his friends of his being alive, and probably doing well.

I am impatient to receive the orders of Congress on the subject of your negotiation with the Barbary Powers. As yet that business remains under consideration. As to further loans, I have long thought that they should be preceded by proper arrangements for the payment of interest and principal, so that the public faith may be punctually kept. National character depends upon it, and I, for my part, think national character is of more importance than even peace with those pirates.

Your reasons for going to England appear to me as they did to you, cogent and conclusive, and I make no doubt but that good will result from it, although, perhaps, not all that might have been expected. The affair of our posts is a serious business, and the more so as in my opinion Britain has too much reason on her side. They who ask equity should do it.

You will also receive with this letter some of our late papers, and I shall take the first good opportunity that may offer to write to you more particularly and explicitly on several subjects.

With great and sincere esteem and respect, I have the honor to be, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

London, April 23, 1786.

Sir,

In another letter of this day, I stated to you what had passed with public characters since my arrival here. Conversations with private individuals, I thought it best not to mingle with the contents of that letter.

Yet as some have taken place which relate to matters within our instructions, and with persons whose opinions deserve to have some weight, I will take the liberty of stating them. In a conversation with an ancient and respectable merchant of this place, such a view of the true state of the commercial connexion of America and Great Britain was presented to him, as induced him to acknowledge they had been mistaken in their opinions, and to ask that Mr. Adams and myself would permit the chairman of the committee of American merchants to call on us.

He observed that the same person happened to be, also, chairman of the committee of the whole body of British merchants, and that such was the respect paid to his person and office, that we might consider what came from him as coming from the committees themselves. He called on us at an appointed hour. It was a Mr. Duncan Campbell, formerly much concerned in the American trade. We entered on the subject of the non-execution of the late treaty of peace alleged on both sides. We observed that the refusal to deliver the western posts, and the withdrawing American property, contrary to express stipulation, having preceded what we considered as breaches on our part, were to be considered as the causes of our proceedings. The obstructions thrown by our Legislatures in the way of the recovery of their debts was insisted on by him. We observed to him that the great amount of the debt from America to Great Britain, and the little circulating coin in the former country, rendered an immediate payment impossible. That time was necessary; that we had been authorized to enter into explanatory arrangements on this subject; that we had made overtures for the purpose, which had not been attended to; and that the States had therefore been obliged to modify the article for themselves. He acknowledged the impossibility of immediate payment, the propriety of an explanatory convention, and that they were disposed to allow a reasonable time. We mentioned the term of five years, including the present, but that judgments might be allowed immediately, only dividing the execution into equal and annual parts, so that the last should be levied by the close of the year 1790. This seemed to be quite agreeable to him, and to be as short a term as would be insisted on by them. Proceeding to the sum to be demanded, we agreed that the principal, with the interest incurring before and after the war, should be paid, but as to that incurring during the war, we differed from him. He urged its justice with respect to themselves, who had laid out of the use of their money during that period. This was his only topic. We opposed to it all those which circumstances, both public and private, gave rise to. He appeared to feel their weight, but said the renunciation of this interest was a bitter pill, and such a one as the merchants here could not swallow. He wished that no declaration should be made as to this article, but we observed that if we entered into explanatory declarations of the points unfavorable to us, we should expect, as a consideration for this, corresponding declarations on the parts in our favor. In fact, we

supposed his view to be to leave this part of the interest to stand on the general expressions of the treaty, that they might avail themselves in individual cases of the favorable dispositions of debtors or of juries.

We proceeded to the necessity of arrangements of our future commerce, were it only as a means of enabling our country to pay its debts. That they had been contracted while certain modes of remittance had existed here, and had been an inducement to us to contract these debts. He said he was not authorized to speak on the subject of the future commerce.

He appeared really and feelingly anxious that arrangements should be stipulated as to the payment of the old debts; said he would proceed at that moment to Lord Carmarthen's and discuss the subject with him, and that we might expect to hear from him. He took leave, and we never since have heard from him or any other person on the subject.

Congress will judge how far these conversations should influence their future proceedings or those of the States.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

London, April 23, 1786.

Sir,

In my letter of March 12th I had the honor of explaining to you the motives which had brought me to this place. A joint letter from Mr. Adams and myself, sent by the last packet, informed you of the result of our conferences with the Tripoline Minister.

The conferences with the Minister of Portugal have been drawn to a greater length than I expected; however, everything is now agreed, and the treaty will be ready for signature the day after tomorrow. I shall set out for Paris the same day. With this country nothing is done; and that nothing is intended to be done on their part admits not the smallest doubt. The nation is against any change of measures. The Ministers are against it, some from principle, others from subserviency, and the King more than all men is against it. If we take a retrospect to the beginning of the present reign, we observe, that amidst all the changes of Ministry no change of measures with respect to America ever took place, excepting only at

the moment of the peace, and the Minister of that moment was immediately removed.

Judging of the future by the past, I do not expect a change of disposition during the present reign, which bids fair to be a long one, as the King is healthy and temperate. That he is persevering we know. If he ever changes his plan, it will be in consequence of events which neither himself nor his Ministers at present place among those which are probable. Even the opposition dare not open their lips in favor of a connexion with us, so unpopular would be the topic.

It is not that they think our commerce unimportant to them. I find that the merchants have set sufficient value on it; but that they are sure of keeping it on their own terms. No better proof can be shewn of the security in which the Ministers think themselves on this head than that they have not thought it worth while to give us a conference on the subject, though on my arrival we exhibited to them our commission, observed to them that it would expire on the 12th of the next month, and that I had come over on purpose to see if any arrangements could be made before that time. Of two months which then remained six weeks have elapsed without one scrap of a pen or one word from a Minister, except a vague proposition at an accidental meeting. We availed ourselves even of that to make another essay to extort some sort of declaration from the Court, but their silence is invincible. But of all this, as well as of the proceedings in the negotiation with Portugal, information will be given you by a joint letter from Mr. Adams and myself.

The moment is certainly arrived, when the plan of this Court being out of all doubt, Congress and the States may decide what their own measures should be.

The Marquis of Lansdowne spoke of you in very friendly terms, and desired me to present his respects to you in the first letter I should write.

He is thoroughly sensible of the folly of the present measures of this country, as are a few other characters about him. Dr. Price is among these, and is particularly disturbed at the present prospects. He acknowledges, however, that all change is desperate, which weighs the more, as he is intimate with Mr. Pitt.

This small band of friends, favorable as it is, does not pretend to say one word in public on our subject.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, July 14, 1786.

Dear Sir,

Since my last to you, of the 16th ultimo, I have been honored with your letter of 23d, and a joint one from you and Mr. Adams, of 25th April.

Considering the importance of our commerce with Portugal, it gives me pleasure to learn that a treaty with that kingdom was nearly concluded. Until our affairs shall be more perfectly arranged, we shall treat under disadvantages, and therefore I am not surprised that our negotiations with Britain and Barbary are unpromising. To be respectable abroad it is necessary to be so at home, and that will not be the case until our public faith acquires more confidence and our Government more strength.

When, or how, these great objects will be attained can scarcely be conjectured. An uneasiness prevails through the country, and may produce, eventually, the desired reformation, and it may also produce untoward events. Time alone can decide this and many other doubts. For nations like individuals are more frequently guided by circumstances than circumstances by them.

I am not charged to communicate to you any instructions, though I have reason to think that some will be ready by the time the next packet will sail. Nor have I any very interesting intelligence to transmit. The British Government at New Brunswick have lately given uneasiness to Massachusetts by extending their jurisdiction farther than the treaty will warrant. And from the present state of our Indian affairs, there is reason to apprehend trouble with them. They appear dissatisfied with their late cessions to us, and it is not improbable that they will give interruption to our surveyors. How far these people may be instigated by our neighbors is not decided; but the asperity observable in the British nation towards us creates suspicion that they wish to see our difficulties, of every kind, increase and accumulate. Indeed, I fear that other European nations do not regard us entirely without jealousy. There are some little circumstances which look as if the Dutch regret our having found the way to China; and that will, doubtless, be more or less the case with every nation with whose commercial views we may interfere. I am

happy in reflecting that there can be but little clashing of interests between us and France, and, therefore, that she will probably continue disposed to wish us well and do us good, especially if we honestly fulfil our pecuniary engagements with her. These engagements, however, give me much concern. Every principle and consideration of honor, justice, and interest, call upon us for good faith and punctuality, and yet we are, unhappily, so circumstanced that the moneys necessary for the purpose are not provided, nor in such a way of being provided as they ought to be. This is owing, not to anything wrong in Congress, but to their not possessing that power of coercion without which no Government can possibly attain the most salutary and constitutional objects. Excuses and palliations, and applications, for more time, make bad remittances, and will afford no inducements to our allies or others to afford us similar aids on future occasions.

I send herewith a packet for you from Mr. Hopkinson, and the public papers. The letter will inform you of the death of General Greene; this is a serious loss to this country, as well as his family, and is universally and justly lamented.

With great esteem and regard, I have the honor to be, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, May 5, 1786.

Sir,

A visit of two months to England has been the cause of your not hearing from me during that period. Your letters of February the 3d, to Mr. Adams and myself, and of February the 4th, to me, had come to hand before my departure. While I was in London, Mr. Adams received the letters giving information of Mr. Lamb's arrival at Algiers. In London we had conferences with a Tripoline Ambassador, now at that Court, named Abdrahaman. He asked us thirty thousand guineas for a peace with his Court, and as much for Tunis, for which he said he could answer. What we were authorized to offer being to this but as a drop to a bucket, our conferences were repeated only for the purpose of obtaining information. If the demands of Algiers and Morocco should be proportioned to this according to their superior power, it is easy to foresee that the

United States will not buy a peace with money. What principally led me to England, was the information that the Chevalier del Pinto, Portuguese Minister at that Court, had received full powers to treat with us. I accordingly went there, and, in the course of six weeks, we arranged a commercial treaty between our two countries. His powers were only to negotiate, not to sign. And, as I could not wait, Mr. Adams and myself signed, and the Chevalier del Pinto expected daily the arrival of powers to do the same. The footing on which each has placed the other is that of the most favored nation. We wish much to have had some privileges in their American possessions; but this was not to be effected. The right to import flour into Portugal, though not conceded by the treaty, we are not without hopes of obtaining.

My journey furnished us with occasion to renew our overtures to the Court of London; which it was the more important to do, as our powers to that Court were to expire on the 12th of this month. These overtures were not attended to, and our commission expiring, we made our final report to Congress; and I suppose this the last offer of friendship which will ever be made on our part. The treaty of peace being unexecuted on either part in important points, each will now take their own measures for obtaining execution. I think the King, Ministers, and nation, are more bitterly hostile to us at present than at any period of the late war. A like disposition on our part has been rising for some time. In what events these things will end, we cannot foresee. Our countrymen are eager in their passions and enterprises, and not disposed to calculate their interests against these. Our enemies (for such they are, in fact,) have, for twelve years past, followed but one uniform rule, that of doing exactly the contrary of what reason points out. Having early, during our contest, observed this in the British conduct, I governed myself by it in all prognostications of their measures; and I can say, with truth, it never failed me but in the circumstance of their making peace with us. I have no letters from America of later date than the new year. Mr. Adams had to the beginning of February. I am in hopes our letters will give a new spur to the proposition for investing Congress with the regulation of our commerce.

This will be handed you by a Baron Walterstorff, a Danish gentleman, whom, if you did not already know, I should take the liberty of recommending to you. You were so kind as to write me

that you would forward me a particular map, which has not come to hand. I beg you to be assured of the respect and esteem with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO M. DUMAS.

Paris, May 6, 1786.

Sir,

Having been absent in England for some time past, your favors of February the 27th, March the 28th, and April the 11th, have not been acknowledged so soon as they should have been. I am obliged to you for assisting to make me known to the Rhingrave de Salm and the Marquis de la Coste, whose reputations render an acquaintance with them desirable. I have not yet seen either, but expect that honor from the Rhingrave very soon. Your letters to Mr. Jay and Mr. Van Berckel, received in my absence, will be forwarded by a gentleman who leaves this place for New York within a few days. I sent the treaty with Prussia by a gentleman who sailed from Havre the 11th of November. The arrival of that vessel in America is not yet known here. Though the time is not long enough to produce despair, it is sufficiently so to give inquietude, lest it should be lost. This would be a cause of much concern to me. I beg the favor of you to mention this circumstance to the Baron de Thulemeier as an apology for his not hearing from us. The last advices from America bring us nothing interesting. A principal object of my journey to London was to enter into commercial arrangements with Portugal. This has been done almost in the precise terms of those of Prussia. The English are still our enemies. The spirit existing there, and rising in America, has a very lowering aspect. To what events it may give birth, I cannot foresee. We are young, and can survive them; but their rotten machine must crush under the trial. The animosities of Sovereigns are temporary, and may be allayed; but those which seize the whole body of a people—and of a people, too, who dictate their own measures—produce calamities of long duration. I shall not wonder to see the scenes of ancient Rome and Carthage renewed in our day; and if not pursued to the same issue, it may be because the republic of modern Powers will not permit the extinction of any one of its members. Peace and friendship with all mankind is our wisest policy; and I wish we may be permitted

to pursue it. But the temper and folly of our enemies may not leave this in our choice. I am happy in our prospect of friendship with the most estimable Powers of Europe, and particularly with those of the Confederacy of which yours is. That your present crisis may have a happy issue, is the prayer and wish of him who has the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, May 11, 1786.

Dear Sir,

I do myself the honor of enclosing to you letters which came to hand last night from Mr. Lamb, Mr. Carmichael, and Mr. Barclay. By these you will perceive that our peace is not to be purchased at Algiers but at a price far beyond our powers. What that would be, indeed, Mr. Lamb does not say, nor probably does he know. But as he knew our ultimatum we are to suppose from his letter that it would be a price infinitely beyond that. A reference to Congress hereon seems to be necessary. Till that can be obtained Mr. Lamb must be idle at Algiers, Carthage, or elsewhere. Would he not be better employed in going to Congress? They would be able to draw from him and Mr. Randall the information necessary to determine what they will do. And if they determine to negotiate they can reappoint the same, or appoint a new negotiator, according to the opinion they form on their examination. I suggest this to you as my first thoughts; an ultimate opinion should not be formed till we see Mr. Randall, who may be shortly expected. In the meantime, should an opportunity occur, favor me with your ideas hereon, that we may be maturing our opinions. I shall send copies of these three letters to Mr. Jay by the packet which sails from L'Orient the first of next month.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 12, 1786.

Sir,

The last letters I had the honor of addressing you from this place were of the 2d and 27th of January; those from London were of the 12th of March and 23d of April.

In the month of February the Baron de Blome, Minister Plenipotentiary at this Court from Denmark, informed me that he was instructed by his Court to give notice to the Ministers from the United States appointed to negotiate a treaty of commerce with them, that the Baron de Walterstorff, formerly commissioned by them for the same purpose, had received another destination, which called him to the West Indies; that they were sensible of the advantages which would arise to the two countries from a commercial intercourse; that their ports were accordingly placed on a very firm footing, as they supposed ours to be also; that they supposed the commerce on each part might be well conducted under the actual arrangements, but that whenever any circumstances should arise which would render particular stipulations more eligible, they would be ready to concur with the United States in establishing them, being desirous of continuing on the terms of the strictest harmony and friendship with them.

In my letter of January 27 I informed you of what had passed between the Imperial Ambassador and Secretary of Embassy and myself, on the subject of the treaty with their sovereign.

The Ambassador was in hourly expectations of receiving his full powers when I was called to London. Though I had received Mr. Adams's opinion in favor of our proceeding in the treaty, yet it was neither his nor my opinion that this object should outweigh those which called me to London.

A treaty with Portugal was more important, exclusive of what was to be done with England and the States of Barbary.

On my return to Paris the Secretary of Embassy called on me to inform me the Ambassador had received his full powers very soon after my departure, and was now ready to begin on our arrangements; that he was sensible, however, that these could not be settled before our commission would expire; but as he supposed Congress would be willing to renew it, we might proceed to confer together, leaving the effect of our conferences to rest on the event of a renewal of the commission. He asked also a draught of our propositions as a groundwork to proceed on. I met with the Ambassador a few days after; he said the same things in substance, and concluded by asking our propositions.

I gave him a draft, which was a copy of what we had originally proposed to Denmark, with such alterations as had occurred and been approved in our negotiations with Prussia, Tuscany, and Portugal.

The enclosed letters of December 9 and January 18, from O'Bryen ; of February 24, March 13, 20, 23, 27, 31, April 5 and 10, from Mr. Barclay ; of March 29, from Mr. Lamb ; and February 3, and April 13, from Mr. Carmichael, will put you in possession of my latest intelligence on the affairs of Morocco and Algiers. You will perceive by them that Mr. Randall may be daily expected here. If the propositions to Algiers appear from his account to be as unhopeful as Mr. Lamb seems to consider them, it is not improbable that Mr. Adams and myself may think that, instead of remaining at Carthage, as Mr. Lamb proposes, it will be better for him to proceed to Congress without occasioning any loss of time. This will offer the two advantages of giving them all the information he may be possessed of, and of putting it in their power to appoint any negotiator they may think proper, should they find negotiation still eligible. However, Mr. Adams and myself shall have better grounds to decide on when we shall receive the information of Mr. Randall.

Colonel Humphreys carried you the Leyden Gazette to the beginning of April. I now enclose it from that to the present date, together with the Gazette of France from February 3 to May 12.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Bayonne, February 24, 1786.

Dear Sir,

I had the pleasure of receiving your note addressed to me at Bordeaux, and delivered your enclosure agreeable to your directions. To-morrow we shall set forward, and I expect in about twelve days to get to Madrid, from whence I shall write to you, as at present there is nothing better to offer than a detail of bad roads and interruptions.

I received a letter yesterday from Mr. Carmichael, who wishes to see us, a pleasure I have by this day's post given him reason to expect as soon as possible. Mr. Bondfield bought two hogsheads of Haut Brienne wine for you, and fined it before I reached Bordeaux, so he has robbed me of any share in the merit of that purchase.

I hope there is not any occasion for me to assure you of the respect and esteem, wherewith I am, dear sir, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Madrid, March 13, 1786.

Sir,

I have little of consequence to communicate in this letter, but I shall give you the trouble of a more particular one before I leave this place, and then make^{me} my apology for the shortness of this. At present, I shall only say that by appointment I am to see the Count de Florida Blanca this day week, and that I have every reason to expect all the protection and influence from hence that can be wished. I do not incline to let this post depart, without the assurance of my being, with great respect and esteem, &c.,

THOS. BARCLAY.

Please forward the enclosures to Mrs. Barclay.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Madrid, March 20, 1786.

Sir,

I wrote you a few lines, informing you of my arrival, and expectation of seeing the Count of Florida Blanca this day, agreeably to his appointment, in consequence of which, Mr. Carnichael accompanied me to the Pardo, where the Count resides at present, and where we were informed that the Minister could not receive us before Wednesday next, as he has had, within a few days, the account of the death of his father. There is nothing important in this except the delay; however, I have thought proper to mention it to you, and as soon as I can be more particular, I will write to you and Mr. Adams. In the meantime, I remain, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Madrid, March 23, 1786.

Sir,

I had the pleasure of addressing you twice since my arrival here, and though I had nothing worth the attention of you or Mr. Adams to communicate, I thought you would wish to know how I am employed, and to be able to say to him that I have made some progress in my journey.

Yesterday I was introduced to the Count of Florida Blanca at the Pardo. He received and treated me like a man of business, extremely well disposed to serve our country; his manner was frank and easy. He said the Emperor of Morocco proposed making the King negotiator of the peace; but that he would inform the Emperor, it would be better the business should be done in Morocco; and he called in his secretary, and gave him directions to prepare the letters for me against Saturday next.

He added that he would propose to the King to write to the Emperor himself; and I have no doubt but I shall have the honor of carrying this powerful recommendation.

We are again to wait on the Count of Florida Blanca on Sunday, and probably I may have it in my power to write you more particularly by Monday's post.

I am, &c.,

THOS. BARCLAY.

Mr. Lamb sailed on the 11th for Barcelona.

FROM THOMAS BARCLAY TO JOHN ADAMS.

Madrid, March 27, 1786.

Dear Sir,

I arrived here the 10th, and expect to be able to proceed to Cadiz in a few days. The copies of three short letters which I wrote to Mr. Jefferson, will place before you our progress until this day, when I had the pleasure of receiving, through the hands of Mr. Carmichael, the King's letter to the Emperor, informing him that it would be better the peace should be made in Morocco than in Spain, and recommending the object of the mission to his Majesty's attention. The Count de Florida Blanca has also sent me letters to General O'Reiley at Cadiz, to the Consul General of Spain at Morocco, and to one of the Spanish Fathers placed at Mequinez for the redemption of captives. In short, I have the greatest reason to be pleased with the part this Court has taken in the affair, which I think reflects much honor on Mr. Carmichael's influence and attention.

To show you at once the state in which I find the business with Morocco situated on my arrival here, I send you a copy of a letter written by the Count de F. Blanca to Mr. Carmichael, offering the intervention of his Catholic Majesty on the idea of the business being done here, with Mr. Carmichael's reply; and I have now to add

that I shall set forward with the most flattering prospect of success, hoping soon to be able to give you a satisfactory account of the business being finished. It will not, perhaps, be in my power to write you very often. There are at this place and at Victoria persons appointed to translate or decypher every suspicious paper, and from them little can escape. Nothing new of consequence will probably arise until I reach Morocco. If I am able to close the treaty to my satisfaction, I shall send it to you by land, and remain in Africa or Spain until you return it with the ratification. And I embrace this opportunity of offering my services, if you want them, at Tunis and Tripoli, where I am certain this Court will, on application, give its weight to the person employed at those places. If you should think my going further than Morocco necessary, let me know as soon as possible your intentions, that I may arrange matters accordingly, and avail myself of the disposition which this Court shews to serve us. Please to put your letters under cover to Mr. Carmichael, unsealed, that he may be at once master of the subject. Situated as we are, we cannot leave this without being presented, which will be done, I expect, in a few days by the French Ambassador, after which we will continue our journey. But the roads to Cadiz are in such shocking order, that the gentleman by whom I now write has been twenty-four days coming from thence. Mr. Lamb purchased a vessel of about fifty tons at Barcelona, and sailed for Algiers the 11th, with a wind capable of placing him in port the next day. He went under Spanish colors, which I hope may protect him, though there is no peace hitherto signed between the two countries. A person is expected every hour from Algiers, who will be able to give a particular account of Mr. Lamb. If I am so lucky as to see him, I will transmit you what I can learn, and Mr. Carmichael will give you all the information he can collect.

I am, dear sir, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Madrid, March 31, 1786.

Dear Sir,

I have not anything of consequence to trouble you with that is not contained in the enclosed copy of what I wrote to Mr. Adams the 27th, to which I beg leave to refer you. We have not yet

heard from Lamb since he sailed ; but I think a few days will bring Mr. Carmichael some letters from him. His business here was very public, and ours is no secret ; Don Gabriel spoke of it yesterday before several persons. He remarked that there was not a great deal to be learned by making such a voyage, and hoped we should succeed in our expectations.

The only political subjects which engage the attention of the people here are the coolness that subsists between this Court and that of Naples, and the accession of Spain to the treaty with France and Holland. It seems more than probable that this accession will take place, notwithstanding the vigorous efforts to prevent it, and the probable consequences will be a treaty between Russia, Denmark, and England. At least there are some appearances that such events are not impossible. You will excuse me for saying anything on matters concerning which you have probably much better information than I can give you, and believe me sincerely, dear sir, your most obedient humble servant,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON.

Madrid, April 5, 1786.

Sir,

I had the pleasure of writing to you the 31st of last month, by a gentleman going to Paris, and of sending you a copy of what I wrote Mr. Adams the 27th. I now, by the Spanish courier, send you copies of both those letters. This day the Spanish despatches arrived from Algiers, by which Mr. Carmichael, who writes you by this opportunity, received a letter from Mr. Lamb, with another from Mr. Randall, the latter dated the 26th of March. Mr. Randall writes that they did not arrive at Algiers until the 25th, when the Dey refused them permission to land ; but, on the representation of the Count d'Espilly, the Minister employed by this Court to negotiate with Algiers, (who is an intimate acquaintance of Mr. Carmichael, and to whom Mr. Lamb and Mr. Randall had letters of introduction,) they were permitted to land, and were received by the French Consul with great attention. The Count d'Espilly had mentioned his fears of Mr. Lamb's success ; " As the United States have no 'treaty with the Porte, and that the most that can be expected will 'be a truce, until Congress can send a Minister to Constantinople."

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The Dey's fleet is not ready for sea, nor has any steps been taken towards fitting it out. Our people who were carried into Algiers have behaved with the utmost decorum, and were made extremely happy by the arrival of Mr. Lamb. To the above I have but little to add, but that the truce between Spain and Algiers expired with the last month; and that, as there are no preparations making by the Dey to send out the cruisers, though the season is advancing fast, the probable consequence is that the peace will be made with Spain. In the meantime, the Count d'Espilly has demanded a truce of another month. The Ministers from Portugal and Naples to Algiers are waiting at Carthage to see the event of the Spanish negotiations. If they are terminated to the wishes of this Court, they will proceed to Algiers under the sanction of Spain; and, in that case, I am certain Mr. Lamb may be provided with the same recommendations to the Dey that were so kindly given me to the Emperor.

I shall set out for Cadiz in a few days. The roads are very near being impassable.

I am, with great respect, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON AND JOHN ADAMS.

Madrid, April 10, 1786.

Gentlemen,

The day before yesterday Mr. Carmichael received letters from Algiers from Mr. Lamb, dated the 29th of last month, and from Mr. Randall the 26th, which I think a very wrong date, with a postscript, from on board a vessel in the bay of Alicant of the 1st instant, after a passage of twenty-six hours.

He cannot come on shore without a permission from Court to shorten his quarantine, which Mr. Carmichael has applied for, and probably Mr. Randall will soon be at Paris. Though Mr. Carmichael will write to you on this subject, and though I have no information from Africa but what I derive from him, I think it a part of my duty to give you the outlines of what intelligence I can collect, though it should prove a work of supererogation.

Mr. Lamb's letter is short and obscure, nor do I understand the whole of it. However, he says "no peace can be made until

‘Congress grant a larger sum to pay for it, and he will return to Spain to wait for orders.’ Mr. Randall says the Dey of Algiers has refused to treat with Mr. Lamb without assigning any reason for it. It does not appear by either letter that Mr. Lamb has had any audience of the Dey of Algiers; but I shall think it very strange if he returns to Europe without knowing on what terms a treaty may be made. And if I find that to be the case, unless I have your directions to the contrary, I shall hold myself justifiable at the expense of some time and money to attain that knowledge.

The removal of the Court, the compliance with necessary forms, and the intervention of the holy week, (during some days of which I need not pretend to set forward,) has detained me some time longer than I expected; but the delay can be of no consequence, as the Count de Florida Blanca was so condescending as to apprise the Spanish Consul at Morocco of my being thus far on my way. Indeed the attention shewn here to the business in which I am engaged, far surpassed my warmest expectations. It will give me great pleasure to receive a letter from you. If an opportunity to Cadiz should offer, please to put it under cover to Messieurs Linon & Bellew of that place, who will take care of it.

I am, with great respect, &c.,

THOS. BARCLAY.

I wish what I have put in cypher may be tolerably correct, not having time to examine it.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Algiers, March 29, 1786.

Sir,

This is by Mr. Randall, who will tell your Excellency my situation at present. I am sure, by the best information, the sum will by no means answer our object, if the amount is not greatly augmented. It is my duty to advise to abandon the undertaking, as it will be entirely in vain to persevere. It is lost money the expenses that arise on the attempt. The last amount that I can give, please to let me know. I shall wait at Carthage for an answer. The people will cost for their deliverance at least twelve hundred hard dollars per head. The number is twenty-one. Your Excellency sees how feeble we are. I have good reason to think that peace

may be made with these people, but it will cost a tour to Constantinople. Much may be done in France, if they please to forward our peace here. If we fight those people, five thirty-six gun frigates will be the least force and two large tenders.

Your Excellency has some account of the place by Mr. Randall, and I shall endeavor to procure as much as I can. I shall leave a safety here for a future coming to this place. Have desired Mr. Randall to make all possible despatch.

With due respect, &c.,

JOHN LAMB.

FROM WILLIAM CARMICHAEL TO MESSRS. JOHN ADAMS AND THOMAS JEFFERSON.

Madrid, February 3, 1786.

Gentlemen,

On the 4th December last, Mr. Lamb delivered me the letter which your Excellency did me the honor to address me, dated from London the 1st, and from Paris the 11th of October. At the same time that gentleman communicated to me his instructions, and I all the intelligence I had been able to procure relative to the negotiation between this country and the Regency of Algiers. The Count d'Espilly, whose friendship I cultivated, had returned to Algiers long before Mr. Lamb's arrival, and a secretary, whom he had despatched from that place after his return, with letters for the Minister, had also set off for Alicant. From these gentlemen I had obtained an account of the state of the negotiation. The principal articles proposed by Spain had been agreed to by the Dey and his Ministers; but as the former wished to include the Courts of Naples and Portugal in the ratification, the Count de Florida Blanca had instructed the Count d'Espilly to prevail on the latter to admit and receive Ministers from these Courts, and was actually waiting the answer from Algiers at the period when Mr. Lamb came hither. It was evident to me that should this proposition be accepted, of which I had no doubt with respect to the first mentioned Court, the nomination and voyage of these Ministers would occasion delay, and until the treaty between Spain and the Regency should be concluded, I had reason to think that this Court would not interfere directly in our favor.

The manner in which his Excellency the Count de Florida Blanca had explained his sentiments to me on this subject, induced me to form this opinion. For as soon as I knew the probable success of d'Espilly's negotiation, I insinuated to the Minister how acceptable the good offices of his Majesty, to accommodate the States to the Barbary Powers, would be to the people at large in America; and his Excellency then assured me that as soon as their own affairs were arranged with Algiers, his Catholic Majesty would employ all his influence to accelerate a peace for the United States with that and the other Barbary States, and authorized me to inform Congress of the King's intentions.

Having received these assurances I engaged the Count d'Espilly to prepare, by every favorable insinuation, the Dey's Ministers and favorites to support any overture which might be made by the States, which he promised me to do; and the proofs of confidence he gave me induce me to rely on his promises.

He also engaged to give me the earliest information with respect to the intentions of those people, and since his return has proved, by his behavior to our captives and his correspondence with me, that he will avail himself of all the means which he can employ with propriety to fulfil his promises.

When Mr. Lamb arrived the Royal family had just come to this capital from the Escorial, and during their residence here it is extremely difficult to have access to the Minister.

The King, in a few days after, went to Aranjuez on a hunting party, and the Count de Florida Blanca accompanied him, and none but the family ambassadors follow the Court on this occasion.

However, as I was desirous to have a conference with the Minister as soon as possible on the subject of your Excellency's letter, I wrote to the Under Secretary in the Department of Foreign Affairs, charged with the correspondence to the United States, to know whether, if I came to Aranjuez, I should have an opportunity of speaking with his Excellency, to whom I wished to make a communication in person of some advice I had received lately. No 1 is a copy of the answer I received from that gentleman. On the return of his Majesty to this capital I procured an audience from the Minister, to whom I communicated Mr. Lamb's arrival and the object of his mission, making use of such arguments and insinuations as I thought most likely to induce his Excellency to contribute to its success.

I received from him the strongest assurances to the same purport as those beforementioned; at the same time, however, he added, that until he should receive further advice from Algiers it was impossible for him to take an open part in the negotiation, and advised me to detain my countryman until the Count went to the Pardo, when he hoped to have it in his power to give me a more explicit answer. During this audience I took an occasion of mentioning, without affectation, your Excellency's sentiments with respect to his generous interference in the affair of Morocco, with which he appeared much pleased, and told me it should not be his fault, nor did he think it would be mine, if Spain and the United States were not as good friends as they were near neighbors in America.

In the same conversation he promised me ample satisfaction on a subject in which I had been obliged to have recourse to him; and I have since received it, his Majesty having been pleased to fine and render incapable of serving in the revenue the Governor of Laredo, on a complaint made to me by an American captain of the unjust and arbitrary proceeding of the latter. All the officers employed in this affair by the Governor have been punished.

I communicated to Messrs. Lamb and Randall what passed on this occasion, and these gentlemen consented to wait, without reluctance, here until the period mentioned by the Minister.

Four days after the Court had been fixed at the Pardo I again waited on the Minister, who received me very well, but on explaining the motive of my visit, his Excellency declared to me that it was not in his power to be more explicit, as he had not yet received the letters he expected from Algiers; that, until he received the intelligence he expected, he could not order the Count d'Espilly to employ the King's interference in our affairs, repeating his former assurances, and hinting the obstacles we must expect to encounter in this negotiation. At the same time he observed to me that we must not be discouraged. He told me that the first objection made by the Algerines would arise from our not having a treaty with the Grand Seignior, as this circumstance occasioned great difficulties to Portugal in the actual negotiation. I entreated his Excellency to pardon my importunity and anxiety on this subject, as they proceeded as much from my wish to cement an amicable intercourse by reciprocal good offices between the two countries of Spain and America, as from my apprehension that unless Mr. Lamb should arrive at Algiers before

their cruisers were sent to sea, further hostilities on their part might render an accommodation still more difficult. I also urged the nature of Mr. Lamb's instructions, and the necessity of Congress being early informed of the disposition of the Regency, expressing a hope that, by the time Mr. Lamb could arrive at a sea-port and prepare for his departure from thence, it might be in his Excellency's power to afford him all the assistance necessary to ensure the success of his mission.

To these reflections I added the loss that would accrue to Spain from the difficulties to which we should be exposed in our intercourse with a country whose produce found a ready sale in America, and from which country Spain could be supplied with so many articles that it now takes from the northern nations of Europe, whose Consuls, his Excellency knew, did everything in their power to obstruct the peace which he was endeavoring to make for the commercial and political interests of a country the councils of which he directed.

The Count de Florida Blanca replied that he acquiesced in my reasons for the departure of Mr. Lamb, and repeated to me, and authorized me to write your Excellencies, that "*the day after their own affairs should be arranged with Algiers, his Catholic Majesty would employ all his influence to facilitate our accommodations;*" to which he added many assurances of his desire to give a preference to the commerce of the United States, to that which Spain at present carried on with the northern part of Europe, particularly with Sweden and Denmark. The freedom with which this Minister has spoken to me on several occasions, his sentiments with respect to the northern Powers, has not less surprised than convinced me of his wish to diminish their commerce and influence in the Mediterranean. In the course of this conversation he appealed to my own experience on the reliance that might be placed on his word, to which I made the proper answer and acknowledgments, and concluded by asking passports and letters for Messrs. Lamb and Randall, which his Excellency promised to send me.

On my return to this city from the Pardo I received letters from Algiers, of which Nos. 2 and 3 are copies. They were brought by a courier extraordinary, and the arrival of that courier induced me to hope that the Minister might have received such information as might enable him to act openly in our favor, although in fact this hope arose more from my wishes that such might be the case than

from the reasons which ought to induce a contrary sentiment, in consequence of the information I had received with respect to their negotiation previously.

Your Excellencies will easily conceive that the first efforts of this Court must be employed to procure a peace for those nations to which they are allied by the ties of family connexions, engagements to which these connexions have given rise, and the mutual aids which they have received from these nations during their late operations against Algiers.

However, notwithstanding these considerations, I took the liberty, on reminding his Excellency the Count de Florida Blanca of the passports and letters he had promised me, to insinuate my expectations of being able to obtain all that might be necessary for Mr. Lamb on his arrival at Algiers.

To this application I received a reply, of which No. 5 is a copy ; as also a letter to the Count de Cessalto, Captain General of Catalonia, of which I also annex a copy—No. 6—as I do of the several letters which I have received from Algiers since the arrival of Messrs. Lamb and Randall in Madrid.

The latter set off for Barcelona the 26th ultimo in company with Mr. Harrison, a native of Virginia, who will have the honor to deliver your Excellencies' letters from me. Mr. Lamb did not leave this until the 1st instant ; but as he travels post, he will arrive at Barcelona before the gentleman above-mentioned. I refer your Excellencies to the account these gentlemen may render you of my conduct in this business.

I have procured bills for Mr. Lamb at Barcelona, for the amount of which he has drawn, agreeably to his instructions.

I have established a credit for whatever he may choose to draw. I have given him letters to the Count d'Espilly, and have given him all the advice that I thought might be useful to him.

On his arrival at Algiers he will find letters of introduction to most of the Consuls employed by foreign nations there, from their Ministers at this Court.

I did not choose to expose his mission to those gentlemen until his departure from Barcelona renders it public.

Having rendered to your Excellencies an account of my proceedings in consequence of the letter which you did me the honor to address me by Mr. Lamb, it may be necessary to add for your

information and that of Congress, to which body I take the liberty of requesting you to forward a copy of this letter, that the peace negotiating at present between this country and the Regency of Algiers will cost this country near one million and a half of dollars; and I beg leave to add that my information is so circumstantial, and derived from such a source as leaves me not the smallest reason to doubt its authenticity.

The Dey of Algiers is now more than eighty years old, and his Ministers all press a conclusion of the treaty, in order that while they are in power they may participate the presents made on this occasion.

The durability of this peace is uncertain, or of any other made in the present moment with these pirates. If I am rightly informed, as soon as this treaty is concluded with Spain and Naples, they mean to declare war against Denmark, the Venitians, and Dutch.

I shall not fail to inform you of all I can learn on these points, because there may be circumstances on which may depend your future instructions to Mr. Lamb, and the measures which Congress may think proper to adopt.

On the 30th ultimo the convention was signed by the Ambassadors of France and Portugal, respecting their differences on the coast of Africa.

As I have not an accurate map of that coast before me, I refer to a future letter the limits accorded by the latter for a free trade to other nations. Mutual demands of indemnification have been waived on each part. A mutual expression of good will, and a desire to be on the best terms, will appear in the articles of this convention, in the expression of which France preserves her dignity.

With the highest sentiments of gratitude for the confidence your Excellencies have been pleased to accord me, I have the honor to be, &c.,

WM. CARMICHAEL.

FROM WILLIAM CARMICHAEL TO MESSRS. ADAMS AND JEFFERSON.

Madrid, April 13, 1786.

Gentlemen,

I forward you the enclosed letter from Mr. Lamb, for your Excellencies' information. That gentleman has also written to me,

but as I suppose he has given Mr. Jefferson a more ample and satisfactory detail of the state of the negotiation than I can comprehend from his letter to me, I do not think it necessary to forward a copy of it. Mr. Barclay, to whom I have communicated all the intelligence I have received on this subject, will write your Excellencies more explicitly than my situation permits me to do. I cannot, however, refrain from remarking that either Congress must adopt other methods than the present to make peace, or instantly determine to protect their trade with the southern parts of Europe by a maritime force.

I have the honor to be, &c.,

WM. CARMICHAEL.

FROM M. OTAMENDI TO W. CARMICHAEL.

Translation.

My dear Sir,

I have informed the Count of your wish to speak to him when most suitable to him, although it should be necessary for you to come here. But his Excellency finds it impossible during your stay here.

We are to make a small jaunt of twenty-eight leagues next Thursday, to see a new road. Friday is a desperate day. I think that you had best write to him a line, requesting an interview at our return, it not being easy for him to appoint a day beforehand.

In fear that you might want the papers annexed, I would not detain them. I am very sensible of your remembrance, having the honor to call myself, with the most perfect esteem and respect, sir, &c.,

OTAMENDI.

13th December.

ENCLOSED IN A LETTER FROM WILLIAM CARMICHAEL, WITHOUT
SIGNATURE OR ADDRESS.

Algiers, December 15, 1785.

Sir,

Count d'Espilly is returned from the Court of Madrid since the 7th of October last; he was expected here with so much impatience that the Dey would absolutely see him before he had even time to

go to the French Consul's country-house, where the Countess, his lady, had remained after his departure from hence, to convince the Dey of the sincerity of the promise he had made him of returning.

It is said he had orders from his Court to signify to the Dey that all the offers made by Don Joseph de Mazzardo were absolutely without orders, and that his Catholic Majesty disapproved them in the fullest extent. The Count complained to the Dey in the strongest terms, his having permitted the cruisers to sail until his return, and it is, doubtless, this Prince assured him it ought not to give the Count the least uneasiness, as he had threatened all the Rais in general, and each in particular, before their sailing, that he would cause the first of them that committed the least insult to the Spanish flag, or to any part of the Spanish coast, to be immediately strangled, and, in fact, the twelve cruisers that sailed on the 3d of October last are all returned, without giving Spain the least cause of complaint, notwithstanding a Catalan bark, richly laden, returning from the West Indies, abandoned by her crew, fearing the truce agreed upon was expired, as generally reported in Europe, was brought in here by one of the cruisers, but immediately returned, without difficulty, to the Count, on his first application. A like accident happened to a Venitian snow of twelve guns, also abandoned by her crew, under the dread of the Tunisians, was picked up by one of the cruisers of this Regency, but lost on the coast of Arzeo, and which, most probably, has saved the Venitian Consul a very disagreeable refusal, as they had already reported here that this snow was a Russian.

The Dey promised the Count d'Espilly that he will not permit any of the cruisers to sail before the month of March next is expired, and it is assured his Excellency has written his Catholic Majesty to the same effect.

This Prince has also, within these few days, returned to the Count seven fusileers, belonging to Oran, sent here by the Bey of Mascara, found by the Moors at some distance from the stipulated limits of that garrison, as this Regency, on the first overtures of a peace, would not agree that Oran should be included, but which they have, at length, consented to, so that Oran remains without any communication with Moors of the Kingdom of Algiers, and in the same manner that Ceuta has been for a long time with the Moors of Morocco.

FROM COUNT DE FLORIDA BLANCA.

Translation.

Most excellent Sir,

Having immediately granted the passports to Messrs. Lamb and Randall, requested in a note of 22d of this month, from Dr. William Carmichael, the underwritten, first Secretary of State, by order of his Majesty, transmits a letter for the Captain General of Catalonia, to facilitate their passage to Algiers, in what may depend upon him. And as to their commission to treat of peace between the United States and that Regency, the King will not omit to repeat the proofs of his good will towards the United States, according to circumstances and their reciprocal good correspondence.

FLORIDA BLANCA.

At the Pardo, 31st May, 1786.

FROM COUNT DE FLORIDA BLANCA.

Translation.

Most excellent Sir,

Messrs. Lamb and Randall, Americans, commissioned by the United States to treat of peace with that Regency, being about to pass to Algiers, I recommend them to your Excellency by order of the King, that you may facilitate their embarkation and do them any services that may depend on your Excellency.

FLORIDA BLANCA.

At the Pardo, 31st May, 1786.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 22, 1786.

Sir,

The duty has been imposed on me of making the following communication to Congress.

It is necessary for me previously to observe that, though the Government of the United Netherlands have both an ordinary and extraordinary Ambassador here, yet the patriotic party now decisively

possessed of all the powers of government, have sent hither a Rhingrave de Salm, as possessing plenary confidence to treat with this Court on some matters not yet made known to the public. His character and credit accordingly are so well known here, that passing by the regular Ambassadors, they are actually in negotiation with him.

He took occasion to speak with me to-day on the subject of Mr. Dumas. After saying much in his favor, he assured me that Congress could not so much oblige the patriotic party as by naming Mr. Dumas to their diplomatic appointment at the Hague; and further, that should they have any thing interesting to do there, there was no other man who could do it so effectually as Mr. Dumas.

I wished to avoid flattering his expectations, and therefore mentioned to him the resolution of Congress, confining their diplomatic appointments to citizens of the United States.

He seemed to admit they could not expect him to be made Minister Plenipotentiary, but asked if it would not be possible to give him the character of Resident.

I told him we were in the usage of appointing only one character inferior to that of Minister Plenipotentiary, which was that of *Chargé d'Affaires*; that I was far from presuming to say that could be obtained in the present case; but that the other difficulty occurred to me in that moment. I observed that they had a Minister Plenipotentiary with Congress, and that Congress naming for their Court only a *Chargé d'Affaires* might perhaps be considered as disrespectful, and might occasion the recall of their Minister. He assured me it would not; nay, that it should not. We are, continued he, but a party, and therefore cannot make a formal declaration on this subject, but we know how far we can undertake, and if you please, the members of our party shall go and make a declaration privately before the French Ambassador at our Court, that nothing amiss shall be conceived of it, and that our Minister shall not be affected by it. I told him this would not be desired. He asked me if I thought Count de Vergennes writing a second letter on this subject would be of service. I told him I could not suppose a repetition of his application could be material.

My object in avoiding a second letter from the Count de Vergennes, as well as the declaration before the French Ambassador, was that embarrassments might not be multiplied, if Congress should

not think proper to comply with their requests. He concluded by desiring I would urge this matter to Congress.

It seems certain that Mr. Dumas has rendered himself very useful to the Governments of both France and Holland in the late negotiations. It was natural, therefore, that these Governments should provide for him.

I know not how it has happened that we are resorted to on the occasion, unless, perhaps, it is the particular wish of Mr. Dumas to receive this species of reward.

Be this as it may, the reigning party in the United Netherlands, and the Government of this country, commit themselves on this application, and it becomes a matter of calculation, in which their favor, and the occasions we may have for it, are to be weighed against the sacrifices the present applications call for.

To pronounce on this would be beyond my province, which is merely that of being the channel of communication. This being desired in form, I supposed it my duty to comply with.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 23, 1786.

Sir,

Letters received both from Madrid and Algiers, while I was in London, having suggested that treaties with the States of Barbary would be much facilitated by a previous one with the Ottoman Porte, it was agreed between Mr. Adams and myself, that on my return I should consult on this subject the Count de Vergennes, whose long residence at Constantinople rendered him the best judge of its expediency.

Various circumstances have put it out of my power to consult him till to-day.

I stated to him the difficulties we were likely to meet with at Algiers, and asked his opinion what would be the probable expense of a diplomatic mission to Constantinople, and what its effect at Algiers.

He said that the expense would be very great, for that presents must be made at that Court, and every one would be gaping after them; and that it would not procure us a peace at Algiers one penny the cheaper. He observed that the Barbary States acknowl-

edged a sort of vassalage to the Porte, and availed themselves of that relation when anything was to be gained by it; but that whenever it subjected them to a demand from the Porte, they totally disregarded it; that money was the sole agent at Algiers, except so far as fear could be induced also. He cited the present example of Spain, which, though having a treaty with the Porte, would probably be obliged to buy a peace at Algiers at the expense of upwards of six millions of livres.

I told him we had calculated, from the demands and information of the Tripoline Ambassador at London, that to make peace with the four Barbary States, would cost us between two and three hundred thousand guineas if bought with money. The sum did not seem to exceed his expectations.

I mentioned to him that considering the uncertainty of a peace when bought, perhaps Congress might think it more eligible to establish a cruise of frigates in the Mediterranean, and even to blockade Algiers. He supposed it would require ten vessels great and small. I observed to him that Monsieur de Massiâc had formerly done it with five. He said it was true, but that vessels of relief would be necessary. I hinted to him that I thought the English capable of administering aid to the Algerines. He seemed to think it impossible on account of the scandal it would bring on them. I asked him what had occasioned the blockade by M. de Massiâc. He said an infraction of their treaty by the Algerines.

I had a good deal of conversation with him also on the situation of affairs between England and the United States, and particularly on their refusal to deliver up our posts.

I observed to him that the obstructions thrown in the way of the recovery of their debts, were the effect and not the cause, as they pretended, of their refusal to deliver up the posts. That the merchants interested in these debts shewed a great disposition to make arrangements with us. That the article of time we could certainly have settled, and probably that of the interest during the war. But that the Minister shewing no disposition to have these matters arranged, I thought it a sufficient proof that this was not the true cause of their detaining the posts. He concurred as to the justice of our requiring time for the payment of our debts, said nothing which shewed a difference of opinion as to the article of interest, and seemed to believe fully their object was to divert the channel of the

fur trade before they delivered up the posts, and expressed a strong sense of the importance of that commerce to us.

I told him I really could not foresee what would be the event of this detention, that the situation of the British funds and desire of their Minister to begin to reduce the national debt, seemed to indicate that they could not wish a war. He thought so, but that neither were we in a condition to go to war.

I told him I was uninformed what Congress proposed to do on this subject; but that we should certainly always count on the good offices of France, and I was sure that the offer of them would suffice to induce Great Britain to do us justice. He said that surely we might always count on the friendship of France. I added, that by the treaty of alliance, she was bound to guaranty our limits to us, as they should be established at the moment of peace. He said they were so, *mais qu'il nous étoit nécessaire de les constater*. I told him there was no question what our boundaries were; that the English themselves admitted they were clear beyond all question.

I feared, however, to press this any further, lest a reciprocal question should be put to me, and, therefore, diverted the conversation to another object.

This is a sketch only of a conference which was lengthy. I have endeavored to give the substance, and sometimes the expressions, where they were material.

I suppose it would be agreeable to Congress to have it communicated to them in the present undecided state in which these subjects are.

I should add, that an explanation of the transaction of Monsieur de Massiâc with the Algerines, before hinted at, will be found in the enclosed letter from the Count d'Estaing to me, wherein he gives also his own opinion. The whole is submitted to Congress, as I conceive it my duty to furnish them with whatever information I can gather, which may throw any light on the subjects depending before them.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM COUNT D'ESTAING TO THOMAS JEFFERSON.

Paris, May 17, 1786.

Sir,

In giving you an account of an opinion of Mr. Massiâc, and which absolutely corresponds with my own, I cannot too much observe

how great a difference may take place in the course of forty years between the means which he required and those which political circumstances, that I cannot ascertain, may exact.

This Secretary of State, afterwards Vice-Admiral, had the modesty when a Captain to propose a means for the reduction of Algiers, less brilliant for himself, but more sure and economical than the one Government was about to adopt. They wanted him to undertake a bombardment. He proposed a simple blockade. All the force he required was a single line of battle ship, two strong frigates, and two sloops of war.

I am convinced that by blockading up Algiers, cross anchoring, and with a long range, that is to say, with several cables spliced to each other, and with iron chains, one might, if necessary, always remain there; and there is no barbarian Power thus confined which would not soon sue for peace.

During the war before last, the English remained, even in winter, at anchor before Morbion, on the coast of Brittany, which is a much more dangerous coast.

Expeditious preparation for sailing of the vessels which form the blockade, which should be of a sufficient number to prevent any thing from entering or going out, while the rest remain at their stations, the choice of these stations, skilful manœuvres, strict watch during the night, every precaution against the element which a seaman ought to be acquainted with; also against the enemy, to prevent the sudden attack of boats, and to repel them in case they should make an attack, *bastingages* prepared for the purpose, frequent refreshments for the crews, relieving the men, an unshaken constancy and exactness in the service, are the means which, in my opinion, would render the event indubitable.

Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced the desired effect against the barbarians. Even an imperfect blockade, were one to have the patience and courage to persist therein, would occasion a perpetual evil, it would be insupportable in the long run; to obtain the end proposed, no advantage ought to be lost. If several Powers would come to a good understanding, and pursue a plan formed on the principles of humanity; if they were not counteracted by others, it would require but a few years to compel the barbarians to cease being pirates, they would become

merchants in spite of themselves. It is needless to observe, that the unsuccessful attempts of Spain and those under which the Republic of Venice, perhaps, hides other views, have increased the strength as well as the self-love of all the barbarians. We are assured that the Algerines have fitted out merchantmen with heavy cannon. This would render it necessary to blockade the place with two ships of the line, so that one of the two might remain moored near the bar, while the other might prepare to support such of the frigates as should give chase.

But their chebecs, even their frigates, and all their vessels, although overcharged with men, are moreover so badly armed and manœuvred that assistance from without would be most to be feared.

Your Excellency has told me the only and true means of bringing to terms the only people who can take a pleasure in disturbing *our* commerce. You see I speak as an American citizen, this title dear to my heart, the value of which I fully prize, affords me the happy opportunity of offering still more particularly the homage, the sincere attachment and respect with which I have the honor to be, &c.,

ESTAING.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 27, 1786.

Sir,

In my letter of the 12th instant, which goes by the same packet, but was delivered to a private hand, I had the honor of enclosing to you letters from Mr. Carmichael, Mr. Barclay, and Mr. Lamb, on the Barbary affairs. Others came to hand last night, which are now copying, and will be enclosed to you by the post of this day as far as they can be copied. The whole cannot possibly be in readiness, and it is the last post which will be in time for the packet. By these you will see that Mr. Lamb is returned to Spain. I expect soon from Mr. Adams an answer to my letter proposing to instruct Mr. Lamb to repair to Congress.

The agreement supposed to be made between Spain and Algiers, that the latter shall make no peace with any nation not under treaty with the Porte, is difficult of explanation. Its existence, however,

may account for the difference of opinion between the Counts de Vergennes and D'Espilly as to the expediency of our treating with the Porte. If Mr. Adams concurs with me in opinion, we shall cease all further proceedings with the Barbary Powers till we receive further instructions from Congress—except as to Morocco, which I have hopes we may better succeed in.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM P. R. RANDALL TO JOHN ADAMS AND THOMAS JEFFERSON.

Madrid, May 14, 1786.

Since my arrival here from Carthagená I have been in constant expectation of a secure opportunity for forwarding the enclosed, being nearly the copy of a letter I wrote to my father shortly after my landing in Spain. It contains all the observations I have been enabled to make, by reason of the obstacles which (in my situation at Algiers) prevented particular inquiry. Indeed, I had not the most distant idea of remaining for so short a time; otherwise, perhaps, I might have afforded greater satisfaction in this respect.

I have not received any letters from Mr. Lamb since his arrival at Alicant, but have lately heard that he is released from quarantine. He may, therefore, be expected here every day, as he had informed Mr. Carmichael of his intention of coming up immediately.

I shall be governed by his orders, and endeavor still to evince that nothing on my part has been, or shall be, wanting to fulfil my duty; although I must hope that circumstances will be considered if my services have not been equal to the expectation formed of them. Haste, and the little opportunity I have had to prepare my observations, as well as the manner of writing in a crowd, I trust will plead my apology for delivering them in their present state, especially as my father might have communicated in New York the intelligence they contain. I have, therefore, conceived that alterations might be improper, as your Excellency will distinguish what is well founded, and may be enabled to judge what opinion might be formed of them in New York.

The Envoys from Portugal and Naples are still at Carthagená, awaiting the completion of the Spanish treaty.

This Court would undoubtedly have wished Mr. Lamb to remain in like manner, if his instructions could have justified the delay, before their interference could, consistent with their own interest, be employed in favor of the United States.

The Portuguese Envoy told me at Carthagená that he had no expectations of succeeding, and would rather see a confederacy formed against the Barbary States by those with whom they are at war. He appeared much dissatisfied at being so long delayed.

It would be presumption in me to offer any news, Mr. Carmichael being so much better enabled to afford information, and will write by the present occasion.

I am, with proper respect, &c., P. R. RANDALL.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 27, 1786.

Sir,

In my letter of January 2d I had the honor of stating to you what had passed here on the subject of the commerciable articles between this country and the United States. I beg leave now to resume that subject. I therein informed you that this Government had agreed to receive our fish-oils on the footing on which they receive those of the Hanseatic towns, which gave us a reduction of duty from 36*liv.* 15*s.* on the *barrigue*, to 11*liv.* 5*s.*, amounting to about 42*liv.* on the English ton, according to a statement by Monsieur Sangrain, enclosed in that letter. This was true. But there was another truth which neither that statement, nor any other evidence I then had, enabled me to discover, and which it is but lately I could be ascertained of; which is, that there is another duty called the *droit des huiles et savons*, to which the Hanse-Towns are subject, as we are also of consequence. This is of six deniers on the nett pound, and ten sous per livre on that, amounting to 3*liv.* 15*s.* on the nett hundred, French weight, or to 60*liv.* 13*s.* 6*d.* the English ton. This, with the reduced duty, makes about 102*liv.* 13*s.* 6*d.*, or very nearly four guineas, according to the present exchange, on the English ton. Though this be still advantageous when compared with the English duty of eighteen guineas, yet it is less so than we had expected, and it will remain when we apply for a renewal of the indulgence, to see whether we can obtain further reduction.

The fur trade is an object of desire in this country. London is at present their market for furs. They pay for them there in ready money. Could they draw their furs into their own ports from the United States, they would pay us for them in productions; nor should we lose by the exchange of market, since, though the French pay the London merchants in cash, those merchants pay us in manufactures. A very wealthy and well-connected company is proposing here to associate themselves with an American company, each to possess half the interest, and to carry on the fur trade between the two countries. The company here expect to make the principal part of the advances. They also are soliciting considerable indulgences from this Government, from which the part of the company on our side the water will reap half the advantage. As no exclusive idea enters into this scheme, it appears to me worthy of encouragement. It is hoped the Government here will interest themselves for its success. If they do, one of two things may happen—either the English will be afraid to stop the vessels of a company consisting partly of French subjects, and patronized by the Court; in which case the commerce will be laid open generally; or if they stop the vessels, the French company, which is strongly connected with men in power, will complain in form to their Government, who may thus be interested as principals in the rectification of this abuse. As yet, however, the proposition has not taken such a form as to assure us that it will be prosecuted to this length.

As to the article of tobacco, which had become an important branch of remittance to all the States, I had the honor of communicating to you my proposition to the Court to abolish the monopoly of it in their farm; that the Count de Vergennes was, I thought, thoroughly sensible of the expediency of this proposition, and disposed to befriend it; that the renewal of the lease of the farms had been consequently suspended six months, and was still in suspense, but that so powerful were the Farmers General, and so tottering the tenure of the Minister of Finance in his office, that I despaired of preventing the renewal of the farm at that time.

Things were in this state when the Marquis de la Fayette returned from Berlin. On communicating to him what was on the carpet, he proposed to me a conference with some persons well acquainted with the commercial system of the country. We met; they proposed the endeavoring to have a committee appointed to inquire into the

subject. The proposition was made to the Count de Vergennes, who befriended it, and had the Marquis de la Fayette named a member of the committee. He became, of course, the active and truly zealous member for the liberty of commerce, others, though well disposed, not choosing to oppose the farm openly. This committee has met from time to time. It shewed an early and decisive conviction that the measure taken by the farm to put the purchase of their tobaccos into monopoly on that side the water as the sale of them was on this, tended to the annihilation of commerce between the two countries. Various palliatives were proposed from time to time. I confess that I met them all with indifference; my object being a radical cure of the evil by discontinuing the farm, and not a mere assuagement of it for the present moment, which, rendering it more bearable, might lessen the necessity of removing it totally, and perhaps prevent that removal.

In the meantime the other branches of the farm rendered the renewal of the lease necessary, and it being said to be too far advanced to have the article of tobacco separated from it and suspended, it was signed in the month of March, while I was in England, with a clause, which is usual, that the King may discontinue when he pleases, on certain conditions.

When I found here a memorial from the merchants of L'Orient complaining of their having six thousand hogsheads of tobacco on hand, and of the distresses they were under from the loss of this medium of remittance, I enclosed it to the Count de Vergennes and asked his interference. I saw him on the 23d instant, and spoke to him on the subject. He told me there was to be a committee held the next day at Berni, the seat of the Comptroller General, and that he would attend it himself to have something done. I asked him if I was to consider the expunging that article from the farm as desperate.

He said the difficulty of changing so ancient an institution was immense; that the King draws from it a revenue of twenty-nine millions of livres; that an interruption of this revenue at least, if not a diminution, would attend a change; that the finances were not in a condition to bear even an interruption; and, in short, that no Minister could venture to take upon himself so hazardous an operation. This was only saying explicitly what I had long been sensible of, that the Comptroller General's continuance in office was too

much on a poise to permit him to shift this weight out of his own scale into that of his adversaries, and that we must be contented to await the completion of the public expectation that there will be a change in this office, which change may give us another chance for effecting this desirable reformation. Incidents enough will arise to keep this object in our view, and to direct the attention to it as the only point on which the interests and harmony of the two countries (so far as this article of their commerce may influence) will ultimately find repose.

The committee met the next day. The only question agitated was, how best to relieve the trade under its double monopoly.

The committee found themselves supported by the presence and sentiments of the Count de Vergennes. They therefore resolved that the contract with Mr. Morris, if executed on his part, ought not to be annulled here, but that no similar one should ever be made hereafter; that so long as it continued, the Farmers should be obliged to purchase from twelve to fifteen thousand hogsheads of tobacco a year, over and above what they should receive from Mr. Morris, from such merchants as should bring it in French or American vessels, on the same condition contracted with Mr. Morris: providing, however, that where the cargo shall not be assorted, the prices shall be thirty-eight, thirty-six, and thirty-four livres, for the first, second, and third qualities of whichever the cargo may consist. In case of dispute about the quality, specimens are to be sent to the council, who will appoint persons to examine and decide on it. This is, indeed, the least bad of all the palliations which have been proposed; but it contains the seeds of perpetual trouble. It is easy to foresee that the Farmers will multiply difficulties and vexations on those who shall propose to sell to them by force, and that these will be making perpetual complaints, so that both parties will be kept on the fret.

If, without fatiguing the friendly dispositions of the Ministry, this should give them just so much trouble as may induce them to look to the demolition of the monopoly as a desirable point of rest, it may produce a permanent as well as a temporary good. This determination of the committee needs the King's orders to be carried into effect. I have been in hourly expectation of receiving official information that it is ultimately confirmed by him. But as yet it is not come, and the post will set out to-day. Should it arrive in time I will enclose it. Should it not arrive, as I do not apprehend any

danger of its being rejected, or even altered materially, (seeing that M. de Vergennes approved of it, and M. de Calonne acquiesced,) I have supposed you would wish to be apprized of its substance, for a communication of which I am indebted to the M. de la Fayette, though you cannot publish it formally till you know it is confirmed by the King, yet an unauthoritative kind of notice may be given to the merchants to put them on their guard, otherwise the merchants here, having first knowledge of it, may, by their agents, purchase up all the tobacco they have on hand at a low price, and thus engross to themselves all the benefit.

In the same letter, of January 2d, I mentioned that the rice of Carolina, compared with that of the Mediterranean, was better and dearer. This was on my own observation, having examined both in the shops here, where they are retailed. Further inquiries give me reason to believe that the rice of Carolina, on its arrival, is fouler and cheaper, and that it is obliged to be cleaned here before it is saleable; that this advances the price, but, at the same time, the quality, also, beyond that of the Mediterranean. Whether the trouble of this operation discourages the merchant, or the price the consumer, or whether the merchants of Carolina have not yet learned the way to this market, I cannot tell. I find, in fact, that but a small proportion of the rice consumed here is from the American market. But the consumption of this article here is immense. If the growers of American rice would endeavor to adapt their preparation of it to the taste of this country, so as to give it, over the Mediterranean rice, the advantage of which it seems susceptible, it would very much increase the quantity for which they find sale. As far as I have been able to find, it is received here on a favorable footing.

I shall reserve my letter open to the last moment in hopes of being able to put into it the order of the King to the Farmers General.

I have the honor of enclosing a copy of their contract with Mr. Morris, to which the resolution of the committee refers; and, to be, with sentiments of the most perfect respect, &c.,

TH: JEFFERSON.

TOBACCO CONTRACT.

Translation.

We, the undersigned Robert Morris, heretofore Superintendent of the Finances of the United States of America, residing in Philadel-

phia, on the one part, and Le Normand, Receiver General of the Finances of the Generality of la Rochelle, residing in Paris, on the other part, have agreed, and have respectively treated with each other about the sale and purchase of sixty thousand hogsheads of tobacco, from nine to ten hundred weight, of the different growths of the continent of America, on the following terms and conditions, viz :

That I, Robert Morris, engage on my part: 1st. To ship and deliver at the several ports of France, hereafter specified, the whole at my hazard and risk, until the total delivery to the said Sieur Le Normand, the sixty thousand hogsheads of tobacco, in the space of the three successive years of 1785, 1786, 1787, at the rate of twenty thousand hogsheads per annum.

2d. I moreover engage to assort each annual complement in the following proportions, viz :

One fourth part James and York river tobacco, half Potomac and Rappahannock, and the other fourth in Maryland tobacco, one third of which at least fit for smoking; the whole of the first qualities fit for France.

3d. I also oblige myself to ship the sufficient quantity in vessels, which shall be *American in preference to French*; that the aforesaid quantity of twenty thousand hogsheads shall arrive in the ports of Bordeaux, Havre de Grace, Dieppe, and Morlaix, in the following proportions, viz: seven thousand hogsheads to Bordeaux, seven thousand to Havre de Grace, three thousand to Dieppe, and three thousand to Morlaix. Observing that the proportion of Maryland tobacco fit for smoking shall of preference be comprehended in equal proportions in the parcels sent to Morlaix, Bordeaux, and Havre.

And in case where any shipments shall exceed in one year the aforesaid distribution, the excess shall be carried in augmentation to Havre de Grace.

4th. The tobacco shipped and delivered in conformity to the aforesaid, shall be paid for by the said Sieur Le Normand to me at the price of thirty-six livres 'Tournois for each hundred weight marc weight; and the said Sieur Le Normand shall discharge the amount of each cargo within a month after the delivery to Messrs. Le Couteulx & Co., my bankers in Paris, deducting, however, two livres Tournois for each hundred marc weight, for the reimbursement of a million advance, which the said Sieur Le Normand has put into

the hands of the aforesaid Messrs. Le Couteulx & Co., to hold at my disposal, as appears by their receipt at foot of the present contract.

5th. I consent that the two thousand hogsheads, of which I have given advice, by my letter of 27th October, to the said Sieur Le Normand, of the purchase and speedy loading for the port of Havre de Grace, shall make part of my first delivery for this year, and shall be paid for to me at the price of thirty-six livres Tournois, with the deduction of two livres Tournois per hundred weight, as is specified in the preceding article.

6th. For the mode of delivering the tobacco. It shall be taken out of the hogsheads, and none shall be rejected but what is damaged; then the tobacco shall be weighed on the quay, and received at the weight it really weighed without any deduction whatever; and until it is weighed, it shall be at my risk and expense.

7th. The damaged tobacco shall be cut and sent to some other place, if my correspondents shall think proper, otherwise it shall be burned in their presence.

And I, Le Normand, accept in general, and submit to all the clauses and conditions mentioned in the seven foregoing articles; and as a preliminary to the present contract, I have remitted the sum of a million of livres Tournois, mentioned in the 4th article, to Messrs. Le Couteulx & Co., as appears by their receipt annexed at the foot of the present contract, for the said sum to be reimbursed conformably to said article. I moreover consent:

1st. That in case that the vessels employed in this business shall become subject to greater or new duties or taxes than what the French vessels coming from France pay, the aforesaid duties shall be charged to me.

2d. That all the duties which hereafter or posterior to the present treaty may be put either on exportation from America, or on the importation into France, shall be charged to me, and in consequence I will be accountable to Mr. R. Morris for those which may happen in America, on the exportation, at the rate of *5/iv. 5s.* Tournois for each hard dollar, and this upon an authentic certificate that the duty is imposed.

3d. I engage that the Farmers General shall not make, either directly or indirectly, any purchases of tobacco in America, and, consequently, if I have occasion for a greater quantity of tobacco, it shall be furnished to me on the same price and conditions.

Done in five parts, at Paris, four of which to be sent to America by the English and French packets, the fifth to be deposited in the hands of Messrs. Le Couteulx & Co.

At Paris, 11th January, 1785.

LE NORMAND,
Receiver General of Finances.

Signed at Philadelphia, 10th April, 1785.

ROBERT MORRIS.

Certified to be true and conformable to the original in my hands,
at Paris, 20th February, 1788.

LE NORMAND.

We, the undersigned, acknowledge to have received from Mr. Le Normand, Receiver General of the Finances of the Generality of la Rochelle, the sum of one million livres Tournois, in effects to our satisfaction, which we promise to hold at the disposal of Mr. Robert Morris, heretofore Superintendent General of the Finance of the United States of America, after the absolute acceptance of the present treaty, a duplicate of which has been placed in our hands.

At Paris, 11th January, 1785.

LE COUTEULX & CO.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 31, 1786.

Sir,

A safe opportunity occurring by the way of London, I have it now in my power to transmit you the sequel of the papers relative to Algiers, which could not be in readiness to go with my letter of the 27th instant by the French packet, which I expect will sail from L'Orient to-morrow.

I am enabled at the same time to send you a copy of the resolutions of the Committee on the subject of the tobacco, together with a copy of the Count de Vergennes's letter to me, giving official notice of them, having enclosed a copy of Mr. Morris's contract in my letter of May 27th on the same subject. You will be enabled to give such notice of the whole as you think proper.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Versailles, May 30, 1786.

Sir,

I take the earliest opportunity to inform you, that notwithstanding the treaty which the Farmers General have made with Mr. Robert Morris, for the delivery of a certain quantity of tobacco, they have just concluded to take in the way of trade as much as fifteen thousand hogsheads per annum. To let you understand better the extent of the decision in question, I send it to you in the extract enclosed. I beg that you will make it known both in America, as also to the American owners of vessels who may be found in our ports, so that they may direct their commercial speculations accordingly.

I have the honor to be, &c.,

DE VERGENNES.

Translation.*Resolves of a Committee held at Berni, 24th March, 1786.*

The Committee resuming their former deliberations respecting a treaty made with Mr. Morris, informed of the circumstances in which it was made; also informed of the despatch of twelve thousand hogsheads of tobacco, the approaching arrival of which has been announced by Mr. Couteulx, the correspondent of Mr. Morris, have unanimously thought that the execution of the treaty ought to extend until the 1st of January, 1788, saving the right of annulling in case of failure of execution on the part of the said Mr. Morris, the conditions of the said treaty, taking afterwards into consideration the interest of the national commerce with that of the United States, have agreed on the resolutions hereafter enumerated:

1st. After the expiration of the treaty with Mr. Morris, there shall be made no more bargains of the same kind.

2d. The Farmer General shall always have in his magazines a necessary supply for the exercise of his privilege, which supply shall be formed by what shall be furnished by the contract with Mr. Morris, as well as by what he shall procure by means of commerce.

3d. To secure this supply the Farmer General shall purchase, during the continuation of the contract with Mr. Morris, only the tobacco which can be furnished by trade, and brought in French or American vessels, to the amount of twelve to fifteen thousand hogsheads every year, at the same price, and on the same conditions stipulated with the said Mr. Morris.

4th. In cases where cargoes shall not be assorted, the tobacco shall be paid for at the following prices :

First quality James and York river tobacco, nett cwt....	<i>Livres</i> 38
Second quality Potomac and Rappahanock.....	36
Third quality Maryland tobacco.....	34

All the first qualities of each kind proper for France.

5th. In cases of difficulty respecting the quality, samples shall be sent to the Council, and it shall be determined by a commission, which shall be authorized to have the samples examined by such person as may be proper.

6th. When the tobacco furnished by the Americans shall not be delivered in a manufacturing port, there shall be deducted from the stipulated prices thirty sols per nett quintal, for expenses of transportation.



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, August 18, 1786.

Sir,

My last to you was dated the 14th of last month, since which I have received and laid before Congress your several letters of 12th, 22d, 23d, two of 27th, and one of 31st May last, with the papers enclosed with them.

It has happened from various circumstances that several reports on foreign affairs still lay before Congress undecided upon. The want of an adequate representation for long intervals, and the multiplicity of business which pressed upon them when that was not the case, has occasioned delays and omissions which, however unavoidable, are much to be regretted. It is painful to me to reflect that although my attention to business is unremitted, yet I so often experience unseasonable delays and successive obstacles in obtaining the decision and sentiments of Congress, even on points which require despatch. But so it is, and I must be content with leaving nothing undone that may depend upon me.

The Consular Convention is now, as it has long been, under the consideration of Congress, and I have reason to hope they will soon enable me to send you full instructions on that subject.

I have long thought, and become daily more convinced, that the construction of our Federal Government is fundamentally wrong. To vest legislative, judicial, and executive power in one and the same body of men, and that too in a body daily changing its members, can never be wise. In my opinion, those three great departments of sovereignty should be forever separated, and so distributed as to serve as checks on each other. But these are subjects that have long been familiar to you, and on which you are too well informed not to anticipate everything that I might say on them.

I enclose a late ordinance of Congress for Indian affairs, and their requisition for the ensuing year. Those subjects have consumed much time; they are, however, important ones, and the attention of Congress to them could not, with propriety, have been postponed.

I have advised Congress to renew your commission as to certain powers. Our treasury is ill supplied; some States pay nothing, and others very little. The impost not yet established. The people, generally uneasy in a certain degree, but without seeming to discern the true cause, viz: want of energy both in State and Federal Governments. It takes time to make sovereigns of subjects.

I am, dear sir, &c.,

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, October 3, 1786.

Sir,

I have the honor of transmitting you, herewith enclosed, the following papers, viz:

No. 1. A copy of the Consular Convention signed by the French and American Plenipotentiaries.

No. 2. A copy of the act of Congress under which the American Plenipotentiaries signed the same.

No. 3. A copy of a scheme of a convention mentioned and referred to in the same act.

No. 4. A copy of a report on the said convention.

No. 5. A copy of an act of Congress containing instructions and giving authority to you on the subject of the said convention.

These papers will possess you fully of the whole business. I am persuaded that it will appear to you, as it does to Congress, to be a delicate one, and to require delicate management.

The original scheme of the Convention is far from being unexceptionable; but a former Congress having agreed to it, it would be improper now to recede; and, therefore, Congress are content to ratify a convention made conformable to that scheme, and to their act of the 25th day of January, 1782, provided a clause limiting its duration be added. It will be proper, therefore, to press on the Court *only* such objections to the convention as arise from its departure from the scheme. On making an accurate comparison, such departure will appear manifest to his Majesty; and there is reason to expect from his candor that he will readily consent to remove the objections occasioned by it.

As it certainly is wise to try the merits of institutions entirely new, by actual experience, before nations adopt them forever, the propriety of rendering this convention probationary in the first instance is unquestionable. Congress cannot, therefore, presume that his most Christian Majesty will object to a clause for limiting its duration. The design of this convention being for mutual reciprocal benefit and convenience, it would be doing injustice to his Majesty to suppose that he would wish to provide for its existing longer than it should prove useful and satisfactory.

If, after the experience of a few years, it should be found to answer the purposes intended by it, both parties will have sufficient inducements to renew it, either in its present form, or with such alterations and amendments as time, experience, and other circumstances may indicate.

With great respect, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, June 20, 1786.

Dear Sir,

My last to you was of the 5th May, by Baron Walterstorff. Since that I have been honored with yours of April 13th, and May

the 16th and 18th. The present covers letters to Mr. Lamb and Mr. Randall, informing them that the demands of Algiers for the ransom of our prisoners, and also for peace, are so infinitely beyond our instructions that we must refer the matter back to Congress, and, therefore, praying them to come on immediately. I will beg the favor of you to forward these letters. The whole of this business, therefore, is suspended till we receive further orders, except as to Mr. Barclay's mission. Your bills have been received and honored. The first, naming expressly a letter of advice, and none coming, it was refused till the receipt of your letter to me, in which you mentioned that you had drawn two bills. I immediately informed Mr. Grand, who thereupon honored the bill.

I have received no public letters of late date. Through other channels, I have collected some articles of information which may be acceptable to you.

* * * * *

In a letter of March the 20th, from Doctor Franklin to me, is this passage: "As to public affairs, the Congress has not been able to assemble more than seven or eight States during the whole winter, so the treaty with Prussia remains still unratified, though there is no doubt of its being done soon, as a full Congress is expected next month. The disposition to furnish Congress with ample powers augment daily, as people become more enlightened. And I do not remember ever to have seen, during my long life, more signs of public felicity than appear at present throughout these States. The cultivators of the earth, who make the bulk of our nation, have made good crops, which are paid for at high prices with ready money; the artisans, too, receive high wages; and the value of all real estate is augmented greatly. Merchants and shopkeepers, indeed, complain that there is not business enough. But this is evidently not owing to the fewness of buyers, but to the too great numbers of sellers; for the consumption of goods was never greater, as appears from the dress, furniture, and manner of living of all ranks of the people." His health is good, except as to the stone, which does not grow worse. I thank you for your attention to my request about the books, which Mr. Barclay writes me he has forwarded from Cadiz.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, April 8, 1786.

Sir,

My letters to you by the last French packet, were dated May 12th, 22d, 23d, 27th, 27th, and I sent, by the way of London, one dated May 31st. Since this I have been honored with yours of May 5th. The letter therein enclosed for Mr. Dumas has been duly forwarded; and the report on the subject of the Consular convention, I delivered to the Count de Vergennes the first levee day after the return of the King, who was gone to Cherbourg at the time of my receiving it. Mr. Randall being so far on his return, and meaning to go by the way of London, where his stay will be short, he will be the bearer of this letter, with which I have an opportunity of enclosing the last letters I have received from Mr. Barclay and Mr. Lamb. Mr. Barclay left Cadiz soon after the date of his letter. I wrote to Mr. Lamb on the 20th June, with the concurrence of Mr. Adams, to repair to Congress with all possible despatch, recommending, but not enjoining, his coming by the way of Marseilles and Paris, supposing it possible that the information he might communicate might be usefully applied by Mr. Adams and myself in the execution of the commands of Congress. I afterwards wrote him another letter, desiring expressly that, if this route was likely to retard much his attendance on Congress, he would take such other as should be shortest.

At the desire of Monsieur Houdon, I have the honor to enclose to you his propositions for making the equestrian statue of General Washington.

In the autumn of the last year I received letters from an American master of a ship, of the name of Aisquith, informing me that he had had a most disastrous passage across the Atlantic; that they had put into Brest when in such distress that they were obliged to make the first port possible; that they had been immediately seized by the officers of the Farmers General, their vessel and her lading seized, and that themselves were then in jail, suffering from every want. Letters by every post gave me to believe their distress was very real. All their cash was soon exhausted, and the winter setting in very severely, I desired a merchant of Brest to furnish them a

livre a day apiece. It was sometime before I could be ascertained of the nature of the proceedings against them. It proved at length to be a prosecution as for endeavoring to introduce tobacco in contraband. I was induced to order this allowance from evidence that the men, six in number, must inevitably perish if left to the pittance allowed by the Farmers General to their prisoners, and from a hope that the matter would soon be decided. I was led on by this delusive hope from week to week, and month to month, and it proved to be ten months before they were discharged. I applied early to Count de Vergennes, and was informed by him that the matter being in a regular course of law there could be no interference, and that if the sentence should be against them, I might expect a remission of so much of it as should depend on the King. They were condemned to forfeit their vessel and cargo, to a fine, and to the galleys; the fine and condemnation to the galleys were remitted immediately by the King, but the forfeiture of the vessel and cargo being for the benefit of the Farmers, he could not remit that. They were also to pay the expenses of their prosecution, and to remain in jail till they did it; so that, upon the whole, I was obliged to advance for them 2,620*liv.* 2*s.*, being somewhat upwards of one hundred guineas, for which I informed Aisquith from the beginning he must consider himself as answerable to the United States. I accordingly enclose the account, shewing the purposes for which the money was paid, and his own original acknowledgment that it was for his use. I own I am uncertain whether I have done right in this, but I am persuaded some of them would have perished without this advance. I therefore thought it one of those cases where citizens, being under unexpected calamity, have a right to call for the patronage of the public servants. All the disinterested testimony I have ever been able to get, has been in favor of the innocence of these men. Count de Vergennes, however, believed them guilty; and I was assured the depositions regularly taken were much against them. I enclose herewith the state of their case as it appeared to me in the beginning, and as I communicated it by letter to the Minister.

Having been lately desired by the Swedish Ambassador to state to him what I thought the best measure for rendering the Island of St. Bartholomew useful to the commerce of Sweden and the United States, I did it in a letter, of which I enclose a copy. My view in doing it is, that if any further or better measure should occur to

Congress, on its being communicated to me I can still suggest it to the Ambassador, probably before any final decision. It being material that the reduction of the duties on whale oil, which would expire with the close of this year, should be revived in time for the whale men to take measures in consequence, we have applied for a continuance of the reduction, and even for an abolition of all duties. The committee, the creation of which I informed you in my letter of May 27th, and of which the Marquis de la Fayette is a member, were in favor of the abolition; but there is little prospect, perhaps none at all, of obtaining a confirmation of their sentence. I have no doubt of the continuance of the abatement of the duties on the footing stated in that letter; the term of three years will probably be adopted. The Gazettes of Leyden and of France, from the former to the present date, accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Cadiz, May 23, 1786.

Gentlemen,

Since my arrival here, the 9th, nothing has occurred worth your attention. I am waiting for a vessel that is bound to Mogadore, and expect to sail in a few days. You have probably as late accounts from Mr. Lamb as I can give you, yet it may not be improper to inform you of his arrival at Alicant the 24th of last month, where, doubtless, his quarantine has delayed his proceeding to Madrid. The enclosed is a copy of a letter from the Count d'Espilly to Mr. Carmichael, dated at Algiers the 20th past. Whether it will convey anything new or not I cannot say, nor whether Mr. Carmichael may not already have transmitted to you its contents.

I hope to have the pleasure of soon hearing from you, and of being informed whether you have any commands for me further than Morocco. I have long been anxious to see the trade of our country to these parts put on a safe and respectable footing, as I am well acquainted with the importance of the object; and if I can, while I am in the neighborhood of Africa, in the smallest degree contribute towards the doing it, no care or attention on my part shall be wanting. If my going to Constantinople will be thought by you useful, you

have only to command me, and I offer you my services there, or any where else, without limitations. As soon as I have executed the business in which I am engaged, I intend to return to America for a few months, having already procured permission from Congress to go there to settle some of my affairs that require my presence. I send you herewith enclosed an extract of a letter written from Morocco to the Consul of the Emperor of Germany at this place, from whom I received it; but it is the only intelligence here of the Emperor of Morocco having made such a declaration, and probably is no more than a sudden gust of passion, which has blown over with the circumstance that occasioned it. It is, however, certain that the British are not at present a favored people in Morocco, and that a letter from his Catholic Majesty is likely to have greater weight in that country than one from any other potentate on earth. I have had some conversation with the Marquis de Vialli, who is well known to the Emperor of Morocco, and who says he has frequently talked with him on the subject of America. His opinion is, that the Emperor will demand a tribute of eighteen thousand dollars per annum. This gentleman, to whom I was made known by General O'Reily, the late Governor of Andalusia and Cadiz, has given me a good deal of useful information and advice; but to what purposes I shall be able to apply either remains to be tried. Indeed, I much fear the Emperor's ideas will exceed those of my constituents. Immediately on my arrival here I wrote to him that I would embark for Mogadore as soon as possible, which I did to cut short any delays that might occur there by waiting his permission to go to Morocco, where he is at present; and I expect, by the time I get to Mogadore, orders will be lodged for my getting forward.

I beg you will believe me, gentlemen, &c.,

THOS. BARCLAY.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Madrid, May 20, 1786.

After my little disappointments, I arrived at Algiers the 25th March, and within the term of three or four days I found that the whole amount of money in my hands belonging to the public would not purchase the unfortunate captives; in consequence of which

I despatched Mr. Randall, so that your Excellencies might have the earliest notice of our matters in that quarter. In a short letter to your Excellencies I stated our affairs. Accordingly, Mr. Randall sailed the 29th or 30th March, with my desire to him to proceed with all possible despatch, to give the earliest notice that was in my power; but when I came here I found Mr. Randall was in Aranjuez. I received a line from him at nine the next evening, in consequence of which I wrote him, and desired him to proceed; he answered my letter. The three letters I herein enclose, so that your Excellencies will naturally excuse me for the detention.

On the 3d day of April I was admitted to an audience with the Dey, but he would not speak of peace—set the slaves at most exorbitant prices, far beyond my limits. The 7th I had a second interview, but still he was of the same mind. About the 17th, I had the third and last interview. He fell something of his first price; and I here enclose the last price, which is enormous, as your Excellencies will see. My next views were to have an acquaintance with their principal Minister, which I soon brought to pass by some presents to this Minister's confidant, and he was our interpreter. He told me that it was his greatest desire that our peace might be made with their Regency, and that for his part he would use his utmost endeavors for the purpose; but until the affairs of Spain were settled, little could be done on our matter; and further told me not to mind the little put-offs by the Dey, nor the enormous price asked for our slaves; that the price that was set on our people was only to put a more modest face on the price which they intend to make the Spaniards pay for their people, and advised me to go to Spain and wait until they had done with Spain, and that I might rest assured that he would, at all opportunities, write to me. I begged him to write to Mr. Carmichael; he did. I begged him to give me a free pass to come to Algiers and go when I pleased. He likewise did, but told me that if the letter was exposed that he had written Mr. Carmichael he should lose his life, and when I returned that I might expect the same. I had several interviews with this Minister, and the above is the purport and substance, excepting that they had an entire right to make peace or war without the voice of the Grand Seignior, and that they were under no control by the Ottoman Porte. He told me that it would not be long after my arrival in Spain before he should let me know what steps it would

be best to take, and when for me to return if I was ordered back ; and as I found it was of no consequence to tarry longer than until I had further orders, I took his advice and returned. There is no doubt but I shall hear from him soon. After waiting in Spain a long time for the influence of that Court, I was obliged to leave Madrid without success, for I got no letter, although Mr. Carmichael took the utmost pains. About four or five days before I left Algiers, I received two letters from Mr. Carmichael. Enclosed in one of those was an open letter from the Court of Spain in favor of our mission to that Regency, and directed to Count d'Espilly. But previous to the reception of the letter, he told me if such a letter came to him he could not make any use of it ; neither did he. The reason he best knows ; but this is sure that he cares very little about our peace in that quarter. The letter I carried from France was of no consequence. If your Excellency could procure a letter from the Court of France, and directed to the Dey, with their desires to him for a peace with the United States of America, it would give great weight ; but such a letter, I dare say, would be hard to be procured. The treatment I received from the French Consul was polite ; indeed he paid me great attention. Mr. Logie likewise received me as an old friend, and declared to me that he had no orders to counteract my mission from his Court ; which I am sure of. I left the packet in the hands of the Count d'Espilly, who had employed her for Spain, until I call for her, and have the Count's receipt for the vessel. I thought proper to leave my own stores which I carried over in Algiers, and left them with Mr. Wolf, who is a very honest, good gentleman, and I believe a friend to our cause in that quarter ; *and by the desire of Count d'Espilly* have left the care of our unfortunate people likewise in his hands, together with four hundred dollars to pay their past expenses, and buy them such things as will make them comfortable, which money, I am sure, will be frugally expended. I shall wait your Excellency's further orders at Alicant, hoping that my conduct may be approved of ; and am, with due respect, your Excellency's most obedient humble servant,

JOHN LAMB.

N. B. The plague is within the limits of the Regency of Algiers, in consequence of which it will make very long quarantines in Spain. The vessel that I have bought for the convenience of our

business I believe will be ordered to Mahon to perform quarantine. To purchase this vessel was unavoidable, as I could not get to Algiers well without.

I here give your Excellency an account of the prices of our unfortunate people, and it is as follows, viz :

3 Captains, at \$6,000 each per head	\$18,000
2 Mates, at 4,000 "	8,000
2 Passengers, at 4,000 "	8,000
14 Sailors, at 1,400 "	19,600
<hr/>	
21 amounts to the enormous sum of	\$53,600
11 per cent. to be added according to custom	5,896
<hr/>	
In Spanish milled dollars.	<u>\$59,496</u>

So that your Excellencies see how far beyond your expectations the sum amounts, which renders me incapable of acting until further orders. The price the Spaniards are giving for their people is short of what is charged us, and they have eleven hundred men and some upwards in Algiers. It will cost Spain more than a million and a half of dollars for their slaves only ; the peace of Spain and their slaves will amount to more than three millions of dollars. I have only to add that their cruisers will, in all probability, be at sea by the 6th of June, at the farthest. I am of opinion that, if we follow our pretension for peace this summer, that they will hear proposals, but not at the price we expected, nor by the open way we first went to work. If France will give nothing but sealed letters, we had better have none. To fight these people, the first year will cost us more than half a million pounds sterling. I have, by experience of a long date, a perfect knowledge of the cost of armed vessels, and at the distance we are from these people, and foreign ports to make use of, it will be a heavy tax upon us, and without the least prospect of gain. I hope I shall be excused in speaking my mind so freely. It is out of zealous desires for the good of the country I belong to, and, it is my opinion, that for a less sum than the first year would cost us to fight we can make peace, and if we intend it at all, now is the only time to pursue, as the way is seemingly open for a trial.

I hope no more of our people will be so unhappy as to fall into those people's hands this summer ; and in that case, it will, in a

manner, discourage them in their expectations. Spain is our sure friend in our peace with Algiers; but they have not finished their peace at present. We shall have their assistance at the conclusion of their peace.

With due respect, &c.,

J. LAMB.

I have no objection to their being a trial made at Constantinople, but it will be of no consequence as to peace with Algiers, as the Count mentions in his letter, his views are to have Mr. Wolf appointed in our peace with Algiers, and Mr. Wolf is a very good man; but it is well to take time before large power is given to strangers. The Count kept me as much in the dark as he could on all accounts. My advice is, if we should arm against these people, to unite ourselves with those nations that are not at peace with Algiers, and that will lessen our expense much on the occasion.

1st. Commerce.—Articles of importation from Marseilles and Leghorn, the chief ports with which Algiers carries on its commerce, are bar-iron, steel, German linens, and Dutch linens of all kinds, English and French cloth, long ells, spices, copperas, coffee, sugar, gold and silver brocades, wrought silk, deals, hardware, a small quantity of fish, with different other articles from that quarter; and all those articles pay five per cent. duty at Algiers. Every kind of warlike stores are free of duty, and naval stores likewise, and are generally received as presents from those northern nations who are at peace with them. The trade carried on from Algiers is to Smyrna, Alexandria, and different ports of the Levant; is chiefly by the Moorish and Jewish merchants, and by their own people, and it consists in raw silks, linens, muslins, cotton, durdets, and gums, and are transported to Europe, in bottoms without distinction, not having any trading vessels of their own, there is not one merchant ship belonging to the Regency of Algiers. Exports are wheat, barley, beans, Indian corn, wool, hides, beeswax in considerable quantities. The chief and only manufacture is silk sashes, plain and embroidered, with a species of red and white blanketing, which they ship to the Levant.

2d. Ports.—Bona, Bagia, Algiers, and Arzew, and are very exactly described in the French charts. Algiers is well fortified with upwards

of one thousand brass cannon, from thirty-six to twenty-four pound shot, and many of their works bomb proof.

3d. Naval Force.—Their present naval force consists of nine Xebecks and ten row-galleys, from thirty-six to eight guns. The largest is manned with about four hundred men, and so in proportion. They mostly depend on their success by boarding of vessels. A more particular account is sent.

4th. Prisoners.—Prisoners, or rather slaves, are, for the most part, treated with rigor, hard work, and poor nourishment. They are frequently redeemed, either by their friends or public charity, but oftentimes at exorbitant prices. Their treaties are sometimes broke, but not often. Hired troops, or those who receive pay, are about twenty thousand. On occasion, they can bring two hundred thousand into the field, and are an undisciplined wild rabble. Indeed, the best troops they have are about ten thousand Turks, and are stationed in different parts of the kingdom. There is no making a proper estimate of their revenues, but, however, they are very considerable. Their public revenues are estimated at more than ten millions pound sterling in specie, &c.

5th. Language.—Is Turkish, Arabic, *Lingua Franca*, Italian. *Lingua Franca* is a corruption of Turkish, Italian, and Spanish, much spoken at Algiers at this time.

6th and 7th. Government Religion.—Little subordination is paid to the Ottoman Porte. They, however, acknowledge the Grand Seigneur to be the spiritual head of their religion, and that is Mahometanism; by the same species of fanaticism the Christian religion they hold in the utmost contempt.

Captures.—Two ships from the United States of America, with twenty-one persons on board, officers included. Of the different nations, slaves about fifteen hundred. They are at war with all nations, except France, England, Denmark, Holland, Spain, Sweden, Venice, and the Emperor of Germany.

Translation.

Mr. Houdon asks for the executing an equestrian statue in bronze of General Washington, having the privilege of the workshops in the city containing the furnaces proper for this casting, and the

dwelling-house thereto annexed, the sum of 600,000*liv.*, and ten years dating from this time to perform the work, supposing that the agreement will be signed by the two parties in the course of this year. This price being agreed to, the payments shall be divided as may best suit Congress, representing, however, that during the first years a variety of disbursements must occur.

He conceives that he ought to prevail on the Senate to allow this work to be cast in two parts; that is to say, the General and the horse separately. This will by no means injure the unity of the work, but will rather, on reflection, be advantageous to every part, the casting, execution, solidity, and convenience for transportation. He insists on this point from the experience which he and his *workmen* have endeavored to acquire to render themselves capable. He does not know at present of a founder existing on whom he can rely so well as on those whom he has himself prepared at a great expense during fifteen years that he has been in possession of the furnaces in which the equestrian statue of Louis XV, King of France, was cast. The persons who were employed in that business are now dead.

Translation.

Description of the cost of several Bronze Statues, and the names of the Artists who executed them.

Mr. Talconet was invited to Russia to make the equestrian statue of Peter the Great, at Petersburg, in bronze, on the following conditions: To have the expenses of boarding and lodging defrayed until his work should be entirely finished; that if, by means of sickness or any other accident, the time and work should be prolonged beyond eight years, Mr. Talconet fully relies on the equity of her Imperial Majesty to make allowances for his expenses and lodging for said time, as he cannot guard against unforeseen accidents. He moreover received 25,000*liv.* per annum from the Empress, his journey from Paris to Petersburg, and his return to this city, paid; that he would only receive orders either from her Imperial Majesty directly, or through her Minister. Prince Gallitzin, Minister of Russia, had offered him, on the part of his Court, 400,000*liv.*; he would only accept, however, 200,000*liv.* Mr. Pajou asked

600,000*liv.*; Mr. Coustou, 450,000*liv.*; Mr. Vassée, 400,000*liv.*^{*} The founder was to receive 140,000*liv.* immediately after the casting, which, if it did not succeed, he was to have 10,000*liv.* per annum to begin it again. The expenses of the workshops to be at the cost of the Court.

The equestrian statue in bronze of Frederick V, at Copenhagen, was made by Mr. Sally. He received for the model and the pains he bestowed on this piece 600,000*liv.* It is true that this bronze statue, cast by Goor, contained upwards of three thousand pieces, large and small. A pension of 5,000*liv.*, during life, was given to Mr. Sally, and which he drew two years after his arrival at Copenhagen. He moreover had a pension of 9,000*liv.*, 4,500*liv.* of which were paid till he finished his work, and 4,500*liv.* paid by the King until his death; and a further gratification of 36,000*liv.* The founder was paid for the expenses of his two journeys, 40,000*liv.*, 12,000*liv.* per annum, and 2,000*liv.* income after the casting. He remained about four years at Copenhagen, and returned home with about 200,000*liv.* He asked, for going to Petersburg to cast the statue of Peter the Great, 480,000*liv.* In short, for workmen's wages, and everything depending thereon, for the space of eighteen or nineteen years which were employed in this work, it cost the India Company 2,200,000*liv.*, to which it is said the King added 600,000*liv.*, which makes in all near 3,000,000*liv.*

Mr. Bouchardon, who began the equestrian statue, in bronze, of Louis XIII, King of France, which is at Paris, enjoyed during fifteen years, that is to say, until his death, which surprised him in the middle of his work, a pension of 15,000*liv.* per annum.

FROM JOHN MEHEGAN TO THOMAS JEFFERSON.

Excellent Sir,

As I have seen the distress of your unfortunate countrymen, I implore you will use your utmost endeavors to extricate them from this unhappy affair. They are now in real want, having only three poor sols per day each man to live on, which will scarce keep life in the cold prison they are confined in. The people in whom they confided having got all the money they had, three poor guineas excepted, and which they expect the lawyers at Brest will demand,

as they sent for ten guineas to carry on the suit, but the poor men have not such a sum. And if they do not send money they will be deserted, and they will lose their liberty and property, and their unfortunate families will be ruined and suffer for a crime they are innocent of, without your protection and assistance.

The officers, and every one who saw the condition they were in when they came in here, own they must either perish at sea for want of provisions and repairs or come into this place, all their provisions being so near out as not to have lasted two days at most; and the officers have not the least circumstantial proof against them, only pure suspicions.

The officers have confined them the same as criminals, and give only the allowance destined for criminals. The people who came to get what they could from them, now they are in distress, have entirely abandoned them. I then entreat your Excellency to use your endeavors to relieve and favor those objects of compassion, who, in a strange land, are not able to redress their grievances. Exert, then, your influence in favor of your distressed, I dare say, innocent, countrymen; their troubles are so great that I fear they will not be able to bear them. Should Commodore John Paul Jones be at Versailles, I entreat you to present him my respects. You will pardon the liberty I take.

I am, &c.,

JOHN MEHEGAN.

Paris, November 14, 1785.

Sir,

I take the liberty of troubling your Excellency on behalf of six citizens of the United States, who have been for some time confined in the prisons of St. Pol de Leon, and of referring for particulars to the enclosed state of their case. Some of the material facts therein mentioned are founded on the bill of sale for the vessel, her clearance from Baltimore, and her log-book. The originals of the two last, and a copy of the first are in my hands. I have also letters from a merchant in Liverpool to Asquith, which render it very probable that his vessel was bound to Liverpool. The other circumstances depend on their affirmation, but I must say that in these facts they have been uniform and steady. I have thus long avoided troubling your Excellency with this case in hopes it would receive its decision

in the ordinary course of law ; and I relied that that would indemnify the sufferers if they had been used unjustly. But though they have been in close confinement now near three months, it has yet no appearance of approaching to decision. In the meantime the cold of the winter is coming on, and to men in their situation may produce events which would render all indemnification too late. I must, therefore, pray the assistance of your Excellency for the liberation of their persons, if the established order of things may possibly admit of it. As to their property and their personal sufferings hitherto, I have full confidence that the laws have provided for their discussion some tribunal where justice will be done them. I enclose the opinion of an advocate, forwarded to me by a gentleman whom I had desired to obtain, from some judicious person of that faculty, a state of their case. This may, perhaps, give a better idea than I can of the situation of their cause. His inquiries have led me to believe they are innocent men, but that they must lose their vessel under the edict which forbids those under thirty tons to approach the coast. Admitting their innocence as he does, I should suppose them not the objects on whom such edict was meant to operate. The essential papers which he says they redemanded from him, and did not return, were sent to me at my desire.

The Case of Lister Asquith, owner of the Schooner William and Catharine, William McNeil, Captain, William Thomson, William Neilly, Robert Anderson, mariners, and William Fowler, passenger.

Lister Asquith, a citizen of the State of Maryland, having a lawsuit depending in England which required his presence, as involving in its issue nearly his whole fortune, determined to go thither in a small schooner of his own, that he might, at the same time, take with him an adventure of tobacco and flour to Liverpool, where he had commercial connexions. This schooner he purchased as of fifty-nine and a half tons, as appears by his bill of sale, but she had been registered by her owner at twenty-one tons, in order to evade the double duties in England, to which American vessels are now subject. He cleared out from Baltimore for Liverpool the 11th of June, 1785, with eight hogsheads of tobacco and sixty barrels of flour, but run aground at Smith's Point, sprung a leak, and was

obliged to return to Baltimore to refit. Having stopped his leak, he took his cargo on board again, and his health being infirm he engaged Captain William McNeil* to go with him, and on the 20th June sailed for Norfolk, in Virginia; and on the 22d came to in Hampton Roads, at the mouth of the river on which Norfolk is. Learning here that tobacco would be better than flour for the English market, he landed fifty barrels of his flour and one hogshead of tobacco, which he found to be bad, meaning to take instead thereof nine hogsheads of tobacco more. But the same night it began to blow very hard, with much rain. The 23d the storm became more heavy; they let go both their anchors, but were driven, notwithstanding, from their anchorage, forced to put to sea, and go before the wind. The occurrences of their voyage will be best detailed by short extracts from their log-book:

June 24th. The weather becomes worse; one of the foreshrouds and the foremast carried away.

June 25th. Shifted their ballast, which threw them on their beam ends, and shipped a very heavy sea.

Held a consultation, the result of which was that seeing they were now driven so far to sea, and the weather continuing still very bad, it was better to steer for Liverpool, their port of destination, though they had not their cargo on board, and no other clearance but that which they took from Baltimore.

June 29th. The first observation they had been able to take—north latitude $38^{\circ} 13'$.

June 30th. Winds begin to be light, but the sea still very heavy.

July 5th. Light winds and a smooth sea for the first time, in latitude $43^{\circ} 52'$.

July 9th. Spoke a French brig, *Comte d'Artois*, Captain Pierre Monreaux, from St. Maloes, in distress for provisions; relieved her with three barrels of flour.

August 6th. Thick weather and a strong wind. Made the Land's End of England.

* This was the officer who, on the evacuation of Fort Mifflin, after the British had passed the chevaux-de-frize in the Delaware, was left with fifteen men to destroy the works, which he did, and brought off his men successfully. He had before that been commander of the *Rattlesnake* sloop-of-war, and had much annoyed the British trade. Being bred a seaman, he had returned to that vocation.

August 7th. Unable to fetch the land, therefore bore off for Scilly, and came to with both anchors; drove notwithstanding, and obliged to get up the anchors and put to sea, running southwardly.

August 8th. Made the land of France, but did not know what part.

Here the log-book ends. At this time they had on board but ten gallons of water, four or five pounds of bread, two or three pounds of candles, no firewood, their sails unfit to be trusted to any longer, and all their materials for mending them exhausted by the constant repairs, which the violence of the weather had called for. They therefore took a pilot aboard, who carried them into Port du Val, but being informed by the captain of a vessel there that the schooner was too sharp built (as the American vessels mostly were) to lie in that port, he put out immediately, and the next morning the pilot brought him to anchor in the port of the Isle de Bas. He went immediately to Roscoff, and protested to the Admiralty the true state of his case, and reported his vessel and cargo to the custom-house. In making the report of his vessel stated her as twenty-one tons. The officer informed him that if she was no larger, she would be confiscated by an edict which forbid all vessels under thirty tons to approach the coast; he told the officer what was the real truth as to his register and his bill of sale, and was permitted to report her according to the latter. He paid the usual fees of 10*liv.* 7*s.* and obtained a clearance. Notwithstanding this, he was soon visited by other persons, whom he supposes to have been *Commis* of the *Fermes*, who seized his vessel, carried her to the pier, and confined the crew to the vessel and half the pier, putting sentinels over them. They brought a gauger, who measured her hold and part of her steerage, allowing nothing for the cockpit, cabin, forecastle, and above one half the steerage, which is almost half the vessel, and thus made her contents (if that had been of any importance) much below the truth. The tobacco was weighed and found to be 6,487 lbs.,* which

* A hogshead of tobacco weighs generally about 1,000 lbs. English, equal to 917 lbs. French; the seven hogsheads he sailed with would therefore weigh, according to this estimate, 6,423 lbs. They actually weighed more on the first essay. When afterwards weighed at Landivisiau, they had lost 84 lbs. from being carried into a drier air. Perhaps, too, a difference of weights may have entered into this apparent loss.

was sent on the 18th to Landivisiau, and on the 19th they were committed to close prison at St. Pol de Leon, where they have been confined ever since. They had when they first landed some money, of which they were soon disembarassed by different persons, who, in various forms, undertook to serve them. Unable to speak or understand a word of the language of the country, friendless, and left without money, they have languished three months in a loathsome jail, without any other sustenance, a great part of the time, than what could be procured for three sols a day, which have been furnished them to prevent their perishing. They have been made to understand that a criminal process is going on against them under two heads: 1st. As having sold tobacco in contraband; and 2d. As having entered a port of France in a vessel of less than thirty tons burthen. In support of the first charge they understand that the circumstance is relied on of their having been seen off the coast by the *Employés des Fermes* one or two days. They acknowledge they may have been so seen while beating off Pont Duval till they could get a pilot while entering the port, and again going round from thence to the road of the Isle de Bas. The reasons for this have been explained. They further add, that all the time they were at Pont Duval they had a King's officer on board, from whom, as well as from their pilot and the captain, by whose advice they left that port for the road of the Isle de Bas, information can be obtained by their accusers (who are not imprisoned) of the true motives for that measure. It is said to be urged, also, that there was found in their vessel some loose tobacco in a blanket, which excites a suspicion that they had been selling tobacco. When they were stowing their lading they broke a hogshead, as is always necessary, and is always done, to fill up the stowage, and to consolidate and keep the whole mass firm and in place. The loose tobacco which had come out of the broken hogshead they repacked in bags; but in the course of the distresses of their disastrous voyage they had employed these bags, as they had done everything else of the same nature, in mending their sails. The condition of their sails when they came into port will prove this; and they were seen by witnesses enough, to whom their accusers, being at liberty, can have access. Besides, the sale of a part of their tobacco is a fact which, had it taken place, might have been proved. But they deny that it has been proved, or even can be proved by true men, because it never existed. And they

hope the justice of this country does not permit strangers, seeking in their ports an asylum from death, to be thrown into jail and continued there indefinitely, on the possibility of a fact, without any proof; more especially when, as in the present case, a demonstration to the contrary is furnished by their clearance, which shews they never had more than eight hogsheads of tobacco on board, of which one had been put ashore at Hampton, in Virginia, as has been before related, and the seven others remained when they first entered port. If they had been smugglers of tobacco, the opposite coast offered a much fairer field, because the gain there is so great, because they understand the language and laws of the country, they know its harbors and coasts, and have connexions in them. These circumstances are so important to smugglers that they do not expect an instance has ever occurred of the contraband of tobacco attempted on this side the channel by a crew wholly American. Be this as it may, they are not of that description of men.

As to the second charge, that they may have entered a port of France in a vessel of less than thirty tons burthen, they, in the first place, observe that they saw the gauger measure the vessel, and affirm that this method of measuring could render little more than half her true contents; but they say further, that were she below the size of thirty tons, and when entering the port had they known of the alternative of either forfeiting their vessel and cargo or of perishing at sea, they must still have entered the port, the loss of their vessel and cargo being the lesser evil. But the character of the lawgiver assures them that the intention of his laws is perverted when misapplied to persons who, under their circumstances, take refuge in his ports. They have no occasion to recur from his clemency to his justice by claiming the benefit of that article in the treaty which binds the two nations together, and which assures to the fugitives of either from the dangers of the sea, a hospitable reception, and without measuring the size of their vessel.

Upon the whole they protest themselves to be as innocent as they have been unfortunate. Instead of relief in a friendly port, they have seen their misfortunes aggravated by the conduct of officers who, in their greediness for gain, can see in no circumstance anything but proofs of guilt. They have already long suffered, and are still suffering, whatever scanty sustenance, an inclement season, and close confinement can offer most distressing to men who have been

used to neither, and who have wives and children at home participating of their distresses. They are utterly ignorant of the laws and language of the country where they are suffering; they are deprived of that property which would enable them to procure counsel to place their injuries in a true light; they are distant from the stations of those who are appointed by their country to patronize their rights; they are not at liberty to go to them, nor able to have communication through any other than the uncertain medium of the posts; and they see themselves already ruined by the losses and delays they have been made to incur, and by the failure of the original object of their voyage.

They throw themselves, therefore, on the patronage of the Government, and pray that its energy may be interposed in aid of their poverty and ignorance, to restore them to their liberty, and to extend to them that retribution which the laws of every country mean to extend to those who suffer unjustly.

Account of Disbursements and Money paid by John Diot & Co., merchants in Morlaix, to Mr. Lister Asquith and his crew, since the beginning of their detainment in the prison of St. Paul de Leon to this day, in consequence of his Excellency Thomas Jefferson's desire to Messrs. Borgnois des Bordes freres, merchants in Brest, said detainment proceeding from the seizure and condemnation by the Farmers General of the schooner called William and Catharine, the 9th August, 1785, in the harbor of Roscoff, viz :

June 9th, 1786.

To cash paid Mr. Lister Asquith, for his own and his crew's maintenance in St. Pol jail, from the 22d October, 1785, till 15th of this present month of June, included, being two hundred and thirty-seven days, at twenty sous per day per annum, or six livres per day for the six men.....	1,422 00 0
To cash paid to the attorney in St. Pol, for signifying the appeal from the first judgment of the custom-house in Brest.....	14 12 9
To sundry postages to Morlaix and messages sent from Morlaix to St. Pol, forward and backward.....	18 10 0
To cash paid Mr. Glean, attorney in Brest, for notification of the appeal of the sentence issued in Brest, and signification of same to the custom-house attorney and to the <i>entreposeur</i> in Landivisiau....	13 15 0
To sundry postages paid by Messrs. des Bordes, in Brest, &c.....	18 14 0
Postage on Mr. Jefferson's last message.....	30 10 0
	49 4 0

To cash paid Mr. Gewy, interpreter in Brest, for his trouble and actinga.....	13 00 0
To cash paid Mr. Derm, <i>entreposeur</i> in Landivisiau, acting for, &c., in behalf of the Farmers General, in consequence of the agreement passed and settled betwixt him and Mr. Lister Asquith, in the prison of St. Pol, the 3d of this present month of June, for the following causes, viz:	
The charges of process, verbal seizure of 19th August....	19 16 6
For the cost and law suit at the custom-house office in Brest, 82	17 1
For jail fees paid by the custom-house for Mr. Asquith and his crew, during ten months, at fifty-four livres per month.....	540 00 0
For cost, reporting and comptrolling of the aforesaid action of the 3d June.....	37 5 0
To cash paid Mr. Asquith and his crew, the 22d March, in consequence of Messrs. des Bordes's letter, 13th said month, for buying clothes for to cover them in jail, as per receipt, twelve livres to each man, being.....	72 00 0
To cash paid Mr. Lister Asquith and crew for their travelling expenses going home, according to Mr. Jefferson's order, 22d May, one guinea per man, as per receipt.....	144 00 0
	<hr/>
	2,426 00 4
To interest of said sum from 22d October to this day, valued at three per cent. livre.....	72 15 8
To commission and trouble of said John Diot & Co., writings, translations, and other doings in this affair.....	121 6 0
	<hr/>
	194 1 8
	<hr/>
	2,620 2 0
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Amounting, the within account of our disbursements, and money paid to and for Mr. Lister Asquith and his crew, to two thousand six hundred and twenty livres and two sous, as per particulars in the said account which we certify to be true and sincere.

JOHN DIOT & CO.

St. Pol de Leon, June 9, 1786.

I, underwritten, do hereby acknowledge and certify that the sums mentioned in the above account, amounting to two thousand six hundred and twenty livres two sous, have effectually and truly been paid to and for me, as mentioned in the above said account, by Messrs. John Diot & Co., by the orders of his Excellency Thomas Jefferson, Esq., to Messrs. Borgnois des Bordes freres, merchants in Brest, to whom the said sum is lawfully due.

LISTER ASQUITH.

St. Pol de Leon, June 9, 1786.

FROM THOMAS JEFFERSON TO BARON DE STAEL.

Paris, June 12, 1786.

Sir,

In compliance with your Excellency's desire, I will throw on paper such considerations as occur to me on the question, "How may the Island of St. Bartholomew be rendered instrumental for promoting commerce between Sweden and the United States?" They will be rapid, undigested, and incomplete; but a desire of contributing to bind the two countries together in interest, and a respect for your commands, will induce me to hazard them. I shall make the interest of Sweden the basis of my theory, because we have no right to expect her to depart from them in order to promote ours.

Ancient nations considered colonies principally as receptacles for a too numerous population, and as natural and useful allies in times of war. But modern nations, viewing commerce as an object of first importance, value colonies chiefly as instruments for the increase of that. This is principally effected by their taking commodities from the mother State, whether raised within herself or obtained elsewhere, in the course of her trade, and furnishing, in return, colonial productions necessary for her consumption or for her commerce of exchange with other nations. In this way the colonies of Spain, Portugal, France, and England have been chiefly subservient to the advantages of their mother country. In this way, too, in a smaller degree, has Denmark derived utility from her American colonies; and so, also, Holland, except as to the Island of St. Eustatius. This is by nature a rock, barren and unproductive in itself; but its owners became sensible that what nature had denied it, policy could more than supply. It was conveniently situated for carrying on contraband trade with both the continents, and with the Islands of America. They made it, therefore, an *entrepôt* for all nations. Hither are brought the productions of every other part of America, and the Dutch give in exchange such articles as in the course of their commerce they can most advantageously gather up; and it is a question on which they will not enable us to decide, whether by furnishing American productions to the commerce of Holland, and by finding vent for such productions of the old world as the Dutch merchants obtain to advantage. The barren rock of St. Eustatius does not give more activity to their commerce, and leave with them

greater profits, than their more fertile possessions on the continent of South America. The Danes, finding that their islands were capable of yielding but moderate advantages by their native productions, have also laid them open to foreign commerce, in order to draw through them articles which they do not produce in themselves, or not in great quantities. But these nations, only half emancipated from the fetters of commercial prejudices, have taken only half a step towards placing these institutions on their best footing. Both the Dutch and Danish free ports are under restrictions, which discourage very much the operations of exchange in them.

The Island of St. Bartholomew, lately ceded to Sweden, is, if I am rightly informed, capable of furnishing little of its own productions to that country. It remains then to make it the instrument for obtaining, through its intermediation, such American productions as Sweden can consume or dispose of; and for finding, in return, a vent for the native productions of Sweden. Let us suppose it then made a free port without a single restriction. These consequences will follow :

1st. It will draw to itself that tide of commerce which at present sets towards the Dutch and Danish Islands, because vessels going to these are often obliged to negotiate a part of their cargoes at St. Eustatius, and to go to St. Thomas to negotiate the residue; whereas, when they shall know that there is a port where all articles are free both for importation and exportation, they will go to that port which enables them to perform, by one voyage, the exchanges which hitherto they could only effect by two.

2d. Every species of American produce, whether of the precious metals or of commodities, which Sweden may want for its own consumption, or as aliment for its commerce with other nations, will be collected, either fairly or by contraband, into the magazines of St. Bartholomew.

3d. All the productions which Sweden can furnish from within itself, or obtain to advantage from other nations, will, in like manner, be deposited in the magazines of St. Bartholomew, and will be carried to the several parts of America, in payment for what shall be taken from them.

If it be objected that this unrestrained license will give opportunity to the subjects of other nations to carry on exchanges there, in which Sweden will be no ways interested, I say :

1st. That there will be few of these operations into which the Swedish merchants will not be taken, in the beginning or in the long run.

2d. That there will be few of these exchanges into which productions will not enter when productions are wanted in return.

3d. That suppose neither Swedish merchants nor productions enter into the operation, what objections can Sweden have to other people's meeting in one of her ports to carry on their commercial exchanges? on the contrary, would not every enlightened nation be glad if all others would come to her as a common centre for commercial operations? If all the merchants who make the exchanges of commerce in Amsterdam, London, Lisbon, Leghorn, &c., would go, by common consent, to perform these operations in Stockholm, would that wise Government obstruct such an assembly? If all the exchanges now made in the several ports of the two continents, and of the Islands of America, in Philadelphia, for instance, Charleston, St. Eustatius, Porto Bello, Rio Janeiro, were proposed to be transferred to the Island of St. Bartholomew, would that Island be rendered thereby less able to promote the commerce of the mother country?

These general observations have anticipated the answer to our question, how may the Island of St. Bartholomew be rendered instrumental to the particular commerce between Sweden and the United States? The United States have much occasion for the productions of Sweden, particularly for its iron. For a part of this they can furnish indigo, rice, tobacco, and so far the exchange may be effected by the merchants of the two countries, in the ports of the United States or of Sweden. The surplus of their want they cannot take at all, unless Sweden will administer to them the means of paying for it. This she may do by receiving at St. Bartholomew whatever productions they will bring. They will, of course, send their flour, salt fish, and other things wanting in the other ports of America, which, by the Swedish merchant at St. Bartholomew, will be run into those ports, and exchanged for precious metals or commerciable commodities; or, the American merchant, taking on himself these operations, will run his flour or salt fish into those ports himself, take cash, or such commerciable articles as suit Sweden, and go with these to St. Bartholomew to pay for the iron he wants.

The interest of the United States then, is, that St. Bartholomew be made a port of unlimited freedom; and such too is evidently the interest of Sweden. If it be freed by halves, the free ports of other nations, at present in possession of the commerce, will retain it against any new port offering no superior advantages. The situation of St. Bartholomew is very favorable to these views, as it is among the most windward, and therefore the most accessible of the West Indian Islands. How far they may be seconded by the character of its port, the Government of Sweden will best know, as they have taken the necessary information on that point.

Unacquainted with the details of commerce, I am able to present only general views of this subject. They are such, however, as experience seems to have proved; they may appear founded on a want of attention to the laws of society inconsistent with sound morality. But first let the line be drawn between the just and equal regulations of associated States, and the partial and oppressive rescripts of metropolitan cupidity, and we shall see whether the interloper or the legislator of Chili and Peru is on the right side of that line. They will need apology for another cause where it will be more difficult to be found; that as they offer nothing but what would have occurred, and in a better form to yourself, nobody is more sensible of this than myself, and I can expect your indulgence only by praying you to consider them, and not as pretending to any information which you do not already possess, but as the offerings of that perfect esteem, with which I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, July 11, 1786.

Dear Sir,

Our instructions relative to the Barbary States having required us to proceed by way of negotiation to obtain their peace, it became our duty to do this to the best of our power. Whatever might be our private opinions, they were to be suppressed, and the line marked out to us was to be followed. It has been so honestly and zealously. It was, therefore, never material for us to consult together on the best plan of conduct towards these States. I acknowledge I very

early thought it would be best to effect a peace through the medium of war. Though it is a question with which we have nothing to do, yet as you proposed some discussion of it, I shall trouble you with my reasons. Of the four positions laid down in your letter of the 3d instant, I agree to the three first, which are, in substance, that the good offices of our friends cannot procure us a peace without paying its price; that they cannot materially lessen that price; and that paying it, we can have peace in spite of the intrigues of our enemies. As to the fourth, that the longer the negotiation is delayed the larger will be the demand, this will depend on the intermediate captures. If they are many and rich, the price may be raised; if few and poor, it will be lessened. However, if it is decided that we shall buy a peace, I know no reason for delaying the operation, but should rather think it ought to be hastened. But I should prefer the obtaining it by war.

1st. Justice is in favor of this opinion. 2d. Honor favors it. 3d. It will procure us respect in Europe; and respect is a safeguard to interest. 4th. It will arm the Federal head with the safest of all the instruments of coercion over its delinquent members, and prevent it from using what would be less safe. I think that so far you go with me. But in the next steps we shall differ. 5th. I think it least expensive. 6th. Equally effectual. I ask a fleet of one hundred and fifty guns, the one half of which shall be in constant cruise. This fleet built, manned, and victualled for six months, will cost four hundred and fifty thousand pounds sterling. Its annual expense will be three hundred pounds sterling a gun, including every thing. This will be forty-five thousand pounds sterling a year. I take British experience for the basis of my calculation, though we know, from our own experience, that we can do in this way for pounds lawful what costs them pounds sterling. Were we to charge all this to the Algerine war, it would amount to little more than we must pay if we buy peace. But as it is proper and necessary that we should establish a small marine force, (even were we to buy a peace from the Algerines,) and as that force, laid up in our dock-yards, would cost us half as much annually as if kept in order for service, we have a right to say that only twenty-two thousand and five hundred pounds sterling per annum should be charged to the Algerine war. 6th. It will be as effectual. To all the mismanagements of Spain and Portugal, urged to shew that war against those

people is ineffectual, I urge a single fact to prove the contrary, where there is any management. About forty years ago the Algerines having broken their treaty with France, this Court sent Monsieur de Massiac with one large and two small frigates. He blockaded the harbor of Algiers three months, and they subscribed to the terms he proposed. If it be admitted, however, that war, on the fairest prospects, is still exposed to uncertainties, I weigh against this the greater uncertainty of the duration of a peace bought with money from such a people, from a Dey eighty years old, and by a nation who, on the hypothesis of buying peace, is to have no power on the sea to enforce an observance of it.

So far I have gone on the supposition that the whole weight of this war should rest on us. But, 1. Naples will join us. The character of their naval Minister, (Acton,) his known sentiments with respect to the peace Spain is officiously trying to make for them, and his dispositions against the Algerines, give the best grounds to believe it. 2. Every principle of reason assures us that Portugal will join us. I state this as taking for granted what all seem to believe, that they will not be at peace with Algiers. I suppose, then, that a convention might be formed between Portugal, Naples, and the United States, by which the burthen of the war might be quotaed on them, according to their respective wealth; and the term of it should be, when Algiers should subscribe to a peace with all three, on equal terms. This might be left open for other nations to accede to, and many, if not most of the Powers of Europe (except France, England, Holland, and Spain, if her peace be made) would sooner or later enter into the confederacy for the sake of having their peace with the piratical States guaranteed by the whole. I suppose that in this case our proportion of force would not be the half of what I first calculated on.

These are the reasons which have influenced my judgment on this question. I give them to you to shew you that I am imposed on by a semblance of reason at least; and not with an expectation of their changing your opinion. You have viewed the subject, I am sure, in all its bearings. You have weighed both questions with all their circumstances. You make the result different from what I do. The same facts impress us differently. This is enough to make me suspect an error in my process of reasoning, though I am not able to detect it. It is of no consequence, as I have nothing to say in the

decision, and am ready to proceed heartily on any other plan which may be adopted, if my agency should be thought useful. With respect to the dispositions of the States, I am utterly uninformed. I cannot help thinking, however, that on a view of all the circumstances they might be united in either of the plans.

Having written this on the receipt of your letter without knowing of any opportunity of sending it, I know not when it will go. I add nothing, therefore, on any other subject, but assurances of the sincere esteem and respect, with which I am, &c.,

TH: JEFFERSON.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, October 12, 1786.

Sir,

Since my last to you of the 18th August, I have received and laid before Congress the letters you did me the honor to write on the 8th July last.

I have some despatches of importance ready for you, but I prefer sending them by a conveyance that will offer about ten days hence.

I enclose a certified copy of an act of Congress for recalling Mr. Lamb. Another copy has been sent to Mr. Adams.

As the despatches above alluded to are particular, I shall at present only add an assurance, which I always make with pleasure, viz: that I am, with very sincere esteem and regard, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, October 27, 1786.

Dear Sir,

I wrote you a few lines by the last French packet, mentioning the letters I had received from you, and that by another conveyance you would receive particular and important despatches from me.

Those despatches relate to the Consular convention. They began with a letter from me of the 3d instant, which, among other matters, enumerates the number of papers annexed to it.

After those despatches were completed, it was accidentally and seasonably discovered that the entry of the *scheme* of the convention in the books of this office was erroneous. As in forming my report I considered this scheme as really being what it appeared to be from that entry, correspondent errors naturally took place in the report.

On making that discovery, I wrote a letter to the President of Congress, dated the 9th instant, a copy of which you will find to be the last paper which forms the packet herewith enclosed. On that letter Congress was pleased to direct me to take order; which is, in other words, saying that they approved of the opinion given in the last paragraph of the letter.

We learn from the Chargé d'Affaires of France that a treaty is concluded for us with Morocco. We are anxious to be ascertained of the fact, and to receive a copy of it, that positive and accurate information on the subject may be published. It is long since we heard that a treaty with Portugal was likewise concluded, but it has not yet arrived, nor are we advised of the reasons which retard its conveyance.

In my opinion, you and Mr. Adams should have commissions to treat with the Emperor and some other Powers; but it so happens that more domestic objects divert the attention of Congress in a considerable degree from their affairs abroad.

The inefficacy of our Government becomes daily more and more apparent. Our credit and our Treasury are in a sad situation, and it is probable that either the wisdom or passions of the people may produce changes.

A spirit of licentiousness has infected Massachusetts, which appears more formidable than some at first apprehended. Whether similar symptoms will not soon mark a like disease in several other States is very problematical.

The public papers herewith sent contain every thing generally known about these matters. A reluctance to taxes, an impatience of Government, a rage for property, and little regard to the means of acquiring it, together with a desire of equality in all things, seem to actuate the mass of those who are uneasy in their circumstances. To these may be added the influence of ambitious adventurers, and the speculations of many characters who prefer private to public good, and of others who expect to gain more from wrecks made by tempests than from the produce of patient and honest industry As

the knaves and fools of this world are forever in alliance, it is easy to perceive how much vigor and wisdom a Government from its construction and administration should possess, in order to repress the evils which naturally flow from such copious sources of injustice and evil.

Much, I think, is to be feared from the sentiments which such a state of things is calculated to infuse into the minds of the rational and well intentioned. In their eyes the charms of liberty will daily fade, and in seeking for peace and security they will too naturally turn towards systems in direct opposition to those which oppress and disquiet them.

If faction should long bear down law and Government, tyranny may raise its head, or the more sober part of the people may even think of a King.

In short, my dear sir, we are in a very unpleasant situation. Changes are necessary; but what they ought to be, what they will be, and how and when to be produced, are arduous questions. I feel for the cause of liberty and for the honor of my countrymen who have so nobly asserted it, and who, at present, so abuse its blessings. If it should not take root in this soil, little pains will be taken to cultivate it in any other.

This letter will be carried to London by the Rev. Mr. Provost, who will, with his own hands, deliver it to Mr. Adams, with one from me, requesting him to convey it to you by some trusty hand.

I have the honor to be, &c.,

JOHN JAY.

P. S. I also enclose copies of three acts of Congress, viz: of 16th, 20th, and 21st instant.*



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 11, 1786.

Sir,

Since the date of my last, which was July 8th, I have been honored with the receipt of yours of June 16th. I am to thank you

* See Journals of Congress, pages 712, 714.

on the part of the Minister of Geneva, for the intelligence it contained on the subject of Gallatin, whose relations will be relieved by the receipt.

The enclosed intelligence relative to the instructions of the Court of London to Sir Guy Carleton, came to me through the Count de la Touche and Marquis de la Fayette. De la Touche is a director under the Mareschal de Castries, Minister for the Marine Department, and possibly receives this intelligence from him, and he from their Ambassador at London; possibly, too, it might be fabricated here, yet, weighing the characters of the Ministers of St. James and Versailles, I think the former more capable of giving such instructions than the latter of fabricating them, for the small purposes it could answer.

The Gazette of France of July 28th, announces the arrival of Peyrouse at Brazil, that he was to touch at Otaheite and proceed to California, and still further northwardly. This paper, as you well know, gives out such facts as the Court are willing the world should be possessed of; the presumption is, therefore, that they will make an establishment of some sort on the northwest coast of America.

I trouble you with a copy of a letter from Schweighauser & Dobrée on a subject with which I am quite unacquainted. Their letter to Congress of November 30th, 1780, gives their state of the matter; how far it may be true and just can probably be ascertained by Dr. Franklin, Dr. Lee, and other gentlemen now in America. I shall beg leave to be honored with the commands of Congress on this subject. I have inquired into the state of the arms mentioned in this letter to me; the principal articles are, about thirty thousand bayonets, fifty thousand gun-locks, thirty cases of arms, twenty-two cases of sabres, and some other things of little consequence. The quay of Nantes having been overflowed by the river Loire, the greatest part of these arms were under water, and are now, as I am informed, a solid mass of rust, not worth the expense of throwing them out of the warehouse, much less that of storage. Were not their want of value a sufficient reason against reclaiming the property of these arms, it rests with Congress to decide whether other reasons are not opposed to this reclamation. They were the property of a sovereign body, they were seized by an individual, taken cognizance of by a court of justice, and refused, or at least not restored, by the sovereign within whose States they had been arrested. These are

circumstances which have been mentioned to me. Dr. Franklin, however, will be able to inform Congress with precision as to what passed on this subject. If the information I have received be any thing like the truth, the discussion of this matter can only be with the Court of Versailles. It would be very delicate, and could have but one of two objects, either to recover the arms, which are not worth receiving, or to satisfy us on the point of honor. Congress will judge how far the latter may be worth pursuing against a particular ally, and under actual circumstances. An instance, too, of acquiescence on our part under a wrong, rather than disturb our friendship by altercations, may have its value in some future case. However, I shall be ready to do in this what Congress shall be pleased to direct.

I enclose the despatches relative to the Barbary negotiations received since my last. It is painful to me to overwhelm Congress and yourself continually with these voluminous papers, but I have no right to suppress any part of them ; and it is one of those cases when, from a want of well-digested information, we must be contented to examine a good deal of rubbish in order to find a little good matter.

The Gazettes of Leyden and France to the present date, accompanying this, which, for want of direct safe opportunities, I am obliged to send by an American gentleman by the way of London. The irregularity of the French packets has diverted elsewhere the tide of passengers, who used to furnish me occasions of writing to you without permitting my letters to go through the post office, so that when the packets go now I can seldom write by them.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM SCHWEIGHAUSER & DOBRÉE TO THOMAS JEFFERSON.

Sir,

In hopes of obtaining from you the justice which has been so long denied us, we beg leave to enclose a copy of the letter our late partner and parent, Mr. J. D. Schweighauser, wrote to Congress the 30th November, 1780, which will give you ample information of our claims for our advances for the Continental frigate Alliance, to

which we join a copy of the resolve which it produced. Mr. Johnson persisted in his refusal of examining our accounts as no longer Auditor General, and Dr. Franklin refused the payment of them as not having been examined by this gentleman. We repeatedly solicited that he would name a committee for that purpose, but, to elude satisfying us, he would not adopt this measure.

We have since laid these accounts and their vouchers before Thomas Barclay, Esquire, who has seen every one of them, and is perfectly convinced, as was Dr. Franklin himself, of their exactness.

Permit us earnestly to request, as an act of justice and friendship, that you would put us in the way of obtaining our payment, and to assure you of our acknowledgment and gratitude. We have still a parcel of arms, &c., on hand belonging to Congress, which our copartners in the house of Puchelberg & Co., in L'Orient, have laid an attachment on, to assure them and us our due, or at least part of it; for we know not the value of them, and not being yet authorized to sell them they are of no utility to us, and we fear that warehouse rent of them will absorb one day their whole amount, which, without that, will be greatly reduced by the want of having them cleaned, which permission we have so often vainly solicited. If you could give us directions to sell them it would be securing to the States a value which is now daily diminishing, and will, by further delays, be absolutely eat up.

We submit the whole to your justice, and have the honor to be, &c.,

SCHWEIGHAUSER & DOBRÉE.

EXTRACT OF A LETTER FROM WILLIAM CARMICHAEL.

Madrid, July 15, 1786.

This country has signed its peace with Algiers, but there are still arrangements to be made that require time, patience, and address. I send you a letter which I received from thence this moment. As I have not time to copy it you will please to return it to me. I wish not to derogate from the merit or services of any one; but justice to myself, and still more to the interests and honor of our country, oblige me to say that our peace with the Barbary States could have been negotiated here with much less expense, with much less noise,

and with greater probability of success, than in the mode adopted by Congress. A negotiation with Algiers is not yet to be regarded as desperate. It is a question of calculation. Whenever our Republic will act and think for themselves—they will do what they please until that period—we shall be the partridge and its young ones. We shall never be respected until we respect ourselves. As you may not possibly have heard from Mr. Barclay since his arrival in Africa, I enclose you copies of a letter which I received from his Excellency the Count de Florida Blanca, with extracts from those received from the agent of Spain in Morocco, and from a Minister of the Emperor, which I entreat you to forward to Congress by the first occasion, as few opportunities from hence offer for the transmission of my despatches. I make no comment on the nature of these letters. I am persuaded you will at once see the good faith and candor with which the Ministry act on our behalf. This Court will observe the same conduct with respect to the Barbary Powers in general the moment it can effectually interfere.

EXTRACT OF A LETTER FROM WILLIAM CARMICHAEL TO THOMAS
JEFFERSON.

Madrid, July 15th, 1786.

I have just received the enclosed letters from Mr. Lamb, which I forward by the same courier to whom I entrusted my last for your Excellency. Mr. Lamb writes me that his health not permitting him to journey by land he had resigned his commission, and means immediately to close his public accounts. The Count d'Espilly and another agent of Spain, employed at Algiers and at Tunis, are now here. The first is much attached to me, and the other I shall cultivate, and through their means to be enabled to obtain intelligence with respect to the situation of affairs on the Barbary coast, and make such insinuations as yourself and Mr. Adams may judge proper for the public interest. Whatever may be the decision of Congress, I think it necessary to induce the Algerines to believe that the United States are more disposed to be at peace than at war with them. Their Minister of Marine desires peace with us, and appears apprehensive of seeing American cruisers in the Mediterranean. I have ways of cultivating his friendly disposition, and exciting his apprehensions. The Count d'Espilly informed me of a circumstance

that marked strongly the rancor of the British in all parts of the world to us. I omitted mentioning it to you, because I wished to have previously an exact detail of the transaction in writing from the Count himself. He tells me that after Mr. Lamb's departure from Algiers, the British Consul at Barcelona, Mr. Gregory, advised Mr. Logie, Consul at Algiers, that the Spanish papers procured by Mr. Lamb for his vessel were not regular; that Mr. Lamb had taken with him eighty thousand dollars, &c.; and that the Dey might seize the vessel as American property. Mr. Logie immediately communicated this information to the Dey. The vessel having been sent by the Count d'Espilly's desire to Tunis on public business, the Dey replied that he had permitted the American officers to land; that they were gone away, and, as he supposed, had taken their money with them; that the vessel was now under his protection; and concluded by telling the Consul to mind his own business, and not intermeddle in future with what did not concern him. This conduct of the British Consul must arise from the Court, for their private characters are good, and they are men of liberal and humane principles. As soon as the treaty is published, I will send you a copy of it. D'Espilly will return in a few weeks to Algiers to terminate the ransom of the slaves, and to aid the Neapolitan and Portuguese Envoys in their negotiations, the result of which is doubtful. These pirates will have Russia and the Emperor on their hands, as in the last cruise they have taken a Russian vessel worth eighty thousand dollars, and a Tuscan ship with forty prisoners. The Russian Minister at this Court, to whom I gave the first information of this capture, tells me that he will write to the Dey as a Pacha of the Turkish Empire, and enclose him a copy of the article of their treaty, with the Porte, demanding an immediate restitution of the vessel and people with damages. He added that he is sure of the approbation of his sovereign, who will be pleased to see one of her Ministers writing in a haughty style to a Power that all Europe courts at present. When shall we be in a situation to do this?

I have this moment received a letter for Mr. Lamb, which I suppose to be from you, and shall forward it this night to Alicant.

P. S. I have just remarked your card of the 7th July, which escaped my attention when I wrote the above. The letter enclosed

is from Mrs. Lamb, advising me that by her husband's direction she had drawn on me for five hundred pounds sterling. I forward the letter for his advice. He has left money in my banker's hands here, but of which I never choose to have the disposition.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Alicant, July 15, 1786.

I received your Excellency's letters of the 20th instant, and find by them that Mr. Randall had not then come to Paris. By Mr. Randall I stated the exact situation of our affairs at Algiers, and sent forward a duplicate of the same to Congress. The demands at Algiers no doubt will be great. My health will by no means admit of undertaking the journey your Excellency points out. I dare say my indisposition will be a sufficient excuse. If it is not, in duty to myself I have no further pretensions to this business, and beg that my reasonable accounts may be settled. It will take some time to collect my accounts. I am under bonds at Barcelona for the money I extracted for the purposes of Algiers. I left the vessel in the Spanish service when I left Algiers, as I wrote, and she now is here under quarantine, and cannot yet be come at. Not doubting but I should have gone back, I left many things there, but as soon as may be I will collect all and my accounts. When that is done, I hope I shall be settled with in Europe, as that was promised before I left America. My letter of credit will be returned to your Excellency's orders. I have drawn as I have advised. I have letters, dated Algiers, the 11th July, 1786. No more of our vessels were then taken. It is highly necessary that some orders should be given on account of our unfortunate people in Algiers. I have presumed to supply them with upwards of eight hundred hard dollars for their past expenses and clothing.

With due respect, &c.,

JOHN LAMB.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Alicant, July 18, 1786.

July 15th I forwarded to your Excellencies a letter, of which this is nearly a duplicate, as my first may not come to hand. I find your

Excellency had not received my letters I wrote by Mr. Randall. In them I gave an exact account of Algiers as I could collect whilst I stayed in that place, and likewise how we were situated there, and sent duplicates of the same to Congress, and by safe opportunities, one via Cadiz, under cover to Mr. Gardoqui, directly to New York ; and Mr. Randall writes me of the 20th June, Bordeaux, that he had forwarded the other immediately to Philadelphia ; so that there is not the least doubt of Congress having as full an account of all my proceedings as if I were present myself, for I can add nothing to the account I have given to your Excellency, neither to Congress, were I present. I have forwarded a copy of all my letters to Congress since I have been on this business, at the same time I wrote to your Excellency. My indisposition will not permit me to undertake the journey that your Excellency has pointed out, therefore I am under the necessity to beg a settlement of my reasonable accounts since I have been on this journey, and return the letter of credit to your Excellency's orders. I had announced an acquaintance with one of the principal officers at Algiers, and from him I had great expectations of a settlement with that Regency by next season, or at least to have the last price for our unfortunate people, and what they would have for a peace, and to strive for hostile proceedings to cease for one year, so that Congress might have more time to prepare, and supposed that in case I brought to pass the above, which I had every encouragement of, it would at least be worth the expenses we have already been at. These were my reasons and these my prospects, and in consequence of the same I thought best to persevere, and exhibited, as soon as I possibly could, to Ministers, and likewise to Congress. As I well know how far short the appropriation was for the peace, and that nothing could be added to it by gentlemen abroad, it is my opinion that it is out of the power of the United States to force those people to a compliance of a peace, and to have them going on in the manner they do, it is not so well. To buy a peace will no doubt cost a considerable sum ; but nations possessing a strong navy have preferred a purchase, &c.

I am sensible that your Excellency has received many letters from gentlemen on my mission : and I think they wrote without consideration, as in fact when they wrote they knew nothing of the matter. A letter has been sent to your Excellency from Algiers, or rather forwarded from Madrid. The gentleman who wrote that letter knew

nothing of my business in Algiers, and of course could not write the truth. I find some of the sentences in his letter speaking of my business are entirely false. It is necessary to have some order given on account of our people in Algiers; they were stripped of their clothing, and had many necessary debts against them when I came to Algiers. Out of humanity I paid for their clothes, and the rest of their obligations I paid, considering them reasonable, and they amounted with what money I left to upwards of eight hundred hard dollars, leaving some money with them. Now they write me it is almost out, and very soon they will be in a very miserable condition indeed.

I am, with great respect, &c.,

JOHN LAMB.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 13, 1786.

Sir,

The enclosed letter from Mr. Barclay, and one from Mr. Carmichael, of which I send you extracts, are come to hand this morning, which is in time for them to go by the same gentleman who carries my letter of the 11th. I observe what Mr. Carmichael says on the subject of the Portuguese treaty: "I am sorry it meets with difficulties." I doubt, however, whether he ascribes them to their true cause when he supposes they are occasioned by M. del Pinto's being of a party opposed to that of their Minister at Madrid. The cause is not proportioned to the effect. The treaty between France and England has lately been thought to have become stationary. This is conjectured from the rigor of the custom-houses, much increased by a late order, as also from some other circumstances. The overtures between England and Portugal are animated in proportion; and in the same degree, I suspect, that the latter lessens her care about us. If her wines were to become superfluous at the English market, she wished and hoped to find a great one with us, open to receive them. M. del Pinto's courier, which carried the treaty to Falmouth, arrived a few hours too late for the Lisbon packet boat. This lost a month in the conveyance, and that month, by producing new prospects, has been critical. There is not a want of probability that del Pinto himself will succeed to the deceased

Minister in Portugal. This would be favorable to our treaty and fortunate for us in proportion to the value of a connexion with that nation. He is sensible, candid, and has just ideas as to us, and favorable dispositions towards us. I expect that Mr. Adams is at this moment at the Hague, as he intended there to take leave of that Court, and at the same time to exchange the ratification of the Prussian treaty; but I send on to London copies of the enclosed, in hopes he will speedily be returned there. I shall propose to him that we consider whether the conduct of the Dey of Algiers leaves any hope that any negotiator could obtain his peace without a prodigious addition to the price we had thought of. If we conclude on the negative, still it will remain to decide whether the expense of Mr. Barclay's going there may not be compensated by additional information, by the possibility that he might find their ultimatum, and the advantage of relieving the mind of Congress from all suspense by possessing them of this ultimatum. The peace of Spain, too, being concluded, is to be seen whether their interference can weigh as money. It has done so at Morocco, but Algiers is a fiercer Power.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS BARCLAY TO JOHN ADAMS AND THOMAS JEFFERSON.

Morocco, June 26, 1786.

Gentlemen,

This day week we arrived here, since which I have had two audiences with his Majesty, the first a public one, and the second a private one, yesterday. It is but a few minutes since I heard that a courier will depart this evening for Daralbeyda, and I have not time to enter into particulars. It will be agreeable, however, for you to know that the last draft of the treaty is made, and will probably be signed in a few days, and that our stay here will not exceed that of a week from this time. I believe you will be satisfied on the whole, as there is only one article more I could wish to be inserted, and that I really think, in all human probability, will never prove of the least consequence. I shall proceed to Tangiers, and take an early opportunity of sending you a more detailed account of our proceedings. In the meantime I recommend your transmitting, as soon as possible,

through Mr. Carmichael, the powers to treat with Tunis and Tripoli, and (if Mr. Lamb has declined all further concern) for Algiers. If you had a treaty with the Porte, I flatter myself the rest would follow, and at all events Tunis and Tripoli should be invited to our friendship.

There is a young man now under my care who has been a slave some time with the Arabs in the Desert. His name is James Mercier, born in the town of Suffolk, Nansemond county, Virginia. The King sent him after the first audience, and I shall take him to Spain. I have no time to add but that I am, gentlemen, &c.,

THOS. BARCLAY.

EXTRACT OF A LETTER FROM WILLIAM CARMICHAEL TO THOMAS
JEFFERSON.

Madrid, July 31, 1786.

Since I had the honor of conveying to you the communications made me by the Count de Florida Blanca respecting the mission of Mr. Barclay in Morocco, I have received the enclosed letter for your Excellency from that gentleman, the contents of which are known to me. I do not know what Congress may decide with regard to the other Barbary States; but I am persuaded that in our actual circumstances, negotiation will cost less than armaments, although I desire to see the commencement of a military marine. I have hinted that it might be possible to draw in the Italian Powers, in case that hostile measures should be adopted by the States, to contribute in some measure to defray the immense expense that these armaments must occasion. I beg leave to recommend to your Excellency's consideration this circumstance. I flatter myself that I have acquired the confidence of the *corps diplomatique* from Italy to this Court; and I think, or I should not mention to you, that I may be of some use to inspire sentiments, and to sketch the outlines of projects advantageous to our interests, should Congress decide to arm instead of negotiating. The Court of Spain has conducted itself so generously in our affairs with the Emperor of Morocco, I have so many reasons to be assured of the King's and Minister's desire to serve us in promoting our accommodation with

the other Barbary Powers, that if my advice could have the least weight, I should counsel our Ministers to solicit the good offices of his Catholic Majesty to further the views of the States on this head. I will stake my reputation on the best endeavors of Spain, and forfeit all confidence if the Count de Florida Blanca doth not act as efficaciously as circumstances will permit him to effect what he hath already promised me. You, sir, ought to know our present situation, particularly with Great Britain. I have just learned *positively* what I suspected long ago—that the British Ministry would accommodate their disputes with respect to the Mosquito shore with Spain. This has been done to the satisfaction of this Court. Campo, at London, has the merit of this sort of convention, though the Minister of Great Britain here has had the whole trouble. I have not seen the articles of this arrangement, but I know that the British are to evacuate the Mosquito shore, and that they think themselves recompensed by cessions more extensive in another quarter.

The accommodation between this Court and that of Naples, as proposed by France, will not be accepted. At the same time, permit me to ask in what state our treaty is with Naples? I have a sure channel to convey such insinuations as may be thought proper to the persons who have the influence most important there. Mr. Lamb's bad state of health, it seems, doth not permit his speedy return to America. There is little appearance that either Naples or Portugal will make their peace with the Regency. Our treaty meets with obstacles much greater than you apprehended with Portugal. Permit me to tell you that there is a great probability that the Ambassador of that nation here will be appointed first Minister; that the Chevalier del Pinto is of another party.

The Count de Florida Blanca has been indisposed for some time. This is a public misfortune, but still more to me personally. Mr. Barclay mentions to me that the English are in disgrace in Morocco. If your powers from Congress are so extensive as to admit Mr. Barclay's negotiating in Barbary, if even you can, conjointly with Mr. Adams, take upon you what certainly I would do—to consult the public interest without orders—you will allow that gentleman to make overtures, in order to prevent hostilities; at least to give time to Congress to adopt such measures as they may judge proper. Be assured that all that I can do to second the operations of a man proper to be employed as he is, I shall do cheerfully.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, December 1, 1786.

Dear Sir,

The frigate called the South Carolina, belonging to that State, assisted Spain at the reduction of Providence and the Bahama Islands. To obtain compensation for which Congress, at the instance of the State, have directed application to be made to the Court of Madrid. The Prince of Luxemburg is, it seems, interested in the frigate, and in the expected compensation. The Delegates of South Carolina think his influence, if exerted, would conduce much to the success of the application. Your endeavors to obtain his aid and support are requested; and I have the honor of transmitting to you herewith the papers relative to that transaction, under an unsealed cover directed to Mr. Carmichael, to whom be pleased to forward them; and from time to time to give him such advice and intelligence as may facilitate the execution of his instructions on this subject.

With great esteem and regard, I have the honor to be, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, December 13, 1786.

Dear Sir,

Since closing my despatches to you of the 1st instant, I learn from the Consul of France that the Prince of Luxemburg was only the ostensible owner of the South Carolina frigate, and that she in reality belonged to the King of France, who was entitled to a fourth of her prizes and profits. This information induces me to think that it would be advisable to converse on the subject with the Count de Vergennes previous to any application to the Prince. These despatches will explain this letter.

With great respect and esteem, I have the honor to be, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, December 14, 1786.

Dear Sir,

My last to you was dated 27th October, by the way of London, since which I have been honored with yours of the 11th and 13th

August. They both arrived the 23d November last, but Congress not having made a house since the 7th of that month, they have not yet been officially communicated.

The information relative to Sir Guy Carleton's instructions, is in direct opposition to intelligence I have received on the same subject from persons in London, who have opportunities of knowing the truth, and whose credit is unquestionable. It is possible, however, that they may have been either accidentally or designedly deceived. A variety of considerations, and some facts, afford room for suspicions that there is an understanding between the insurgents in Massachusetts and some leading person in Canada, but whether with or without the consent or connivance of the British Government, is still to be ascertained. There is so much evidence of their having sent emissaries to Quebec, and of propositions made to and received by them from a character of distinction there, that I am induced to think there is at least some truth in it. A report has also circulated that the insurgents have money and pay, not only for supplies and ammunition, but also for personal services. This fact is as yet supported by slender proof; so much so that my judgment remains undecided and in suspense about it. Intimations have been given that the people of Vermont are less and less anxious to be admitted into the Confederacy, and that they rather incline to a connexion of some kind or other with Britain than with us. This also remains to be proved. Two circumstances, however, give it some appearance of probability, viz: it is said and believed they talked with Sir Guy Carleton during the war, and they know that by remaining separate from the States, they will also remain uncharged with our debts.

An idea that may do mischief has been very incautiously dropped where it should never have entered—that the interests of the Atlantic and Western parts of the United States are distinct, and that the growth of the latter, tending to diminish that of the former, the western people have reason to be jealous of the northern. If Britain really means to do us harm, she will adopt and impress this idea.

You will perceive from the public papers that the Government of Massachusetts has behaved with great moderation and condescension towards the insurgents; more so, in my opinion, than was wise. *Obsta principiis* always appeared to me to be a maxim very applicable to such cases. Those malcontents, undoubtedly, mean more

than the redress of grievances which their leaders complain of, and there is little doubt but that those leaders have more extensive views than their followers suspect. During the winter they may, perhaps, continue quiet, but if, during the course of it, they should be able to bring their affairs into system, and either obtain or be promised foreign countenance and aid, they will probably give us trouble in the spring. These people bear no resemblance to an English mob; they are more temperate, cool, and regular in their conduct. They have hitherto abstained from plunder, nor have they, that I know of, committed any outrages but such as the accomplishment of their purpose made necessary. I hear to-day that some of their leaders, in one of the counties, have certainly been taken by a party of horse from Boston.

In my letter of the 27th October, I enclosed a copy of an act of Congress, authorizing you to settle the affair of Schweighauser, and directing the Board of Treasury to furnish you with the necessary information. I presume, therefore, that such part of your letter of the 11th August as relates to that matter, will be referred to the Board, and that the Commissioners, according to order, will collect and transmit to you the intelligence in question.

My sentiments respecting the discussion of this matter with the Court, perfectly correspond with yours.

The situation of our captive countrymen at Algiers is much to be lamented, and the more so as their deliverance is difficult to effect. Congress cannot command money for that, nor indeed for other very important purposes. Their requisitions produce little, and Government (if it may be called a Government) is so inadequate to its objects, that essential alterations or essential evils must take place. I hope you have received the order of Congress for Mr. Lamb's recall. Another copy of it is herewith enclosed.

It seems probable that the delays of Portugal proceed from the cause you suggest. We hear the treaty between France and Britain will be concluded; if so, many consequences will doubtless result from it to us as well as Portugal. Some suspect that France and England will pursue similar systems of colonial commerce with us. Of this, however, some doubts remain on my mind. This country is still exceedingly out of humor with Britain, and every commercial privilege we have from France, beyond what Britain admits, increases it, and strengthens our predilections for France. It

appears to me that the Court is not sufficiently apprized of the expediency of having a discreet liberal-minded Minister here. It is important to both countries that France should have none but exact and candid representations from hence; and although that may possibly be the case in general at present, yet there is some evidence of one of their Consuls having written that we suspected their sincerity in promoting our peace with Barbary. Such communications may tend to illustrate the penetration and intelligence of the writer; but I have no reason to think them warranted by facts, nor conducive to mutual confidence. We know that European commercial nations never rejoice to see a rival at peace with those pirates, but we, nevertheless, think that France has more inducements to do us good than evil, especially on that and such occasions. If our Government could draw forth the resources of the country, which, notwithstanding all appearances to the contrary, are abundant, I should prefer war to tribute, and carry on our Mediterranean trade in vessels armed and manned at the public expense. I daily become more and more confirmed in the opinion that Government should be divided into executive, legislative, and judicial departments. Congress is unequal to the first, very fit for the second, and but ill calculated for the third. So much time is spent in deliberation that the season for action often passes by before they decide on what should be done; nor is there much more secrecy than expedition in their measures. These inconveniences arise, not from personal disqualifications, but from the nature and construction of the Government.

If Congress had money to purchase peace of Algiers, or redeem the captives there, it certainly would, according to their present ideas, be well to lose no time in doing both. Neither pains nor expense, if within any tolerable limits, should be spared to ransom our fellow-citizens; but the truth is, that no money is to be expected at present from hence, nor do I think it would be right to make new loans until we have at least some prospect of paying the interest due on former ones. Our country is fertile, abounding in useful productions, and those productions in demand and bearing a good price, yet relaxation in Government and extravagance in individuals create much public and private distress, and much public and private want of good faith.

The public papers will tell you how much reason we have to apprehend an Indian war, and to suspect that Britain instigates it.

In my opinion our Indian affairs have been ill managed. Details would be tedious. Indians have been murdered by our people in cold blood, and no satisfaction given; nor are they pleased with the avidity with which we seek to acquire their lands. Would it not be wiser gradually to extend our settlements as want of room should make it necessary, than to pitch our tents through the wilderness in a great variety of places, far distant from each other, and from those advantages of education, civilization, law, and Government which compact settlements and neighborhoods afford? Shall we not fill the wilderness with white savages, and will they not become more formidable to us than the tawny ones who now inhabit it?

As to the sums of money expected from the sale of those lands, I suspect we shall be deceived, for, at whatever price they may be sold, the collection and payment of it will not be easily accomplished.

I have the honor to be, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 26, 1786.

Sir,

The last letters I had the honor of writing you were of the 11th and 13th August; since that I have been favored with yours of July 14th and August 18th. I now enclose you such letters on the Barbary negotiations as have come to hand since my last. With these is the copy of a joint letter from Mr. Adams and myself to Mr. Lamb. In mine of August 13th I mentioned that I had proposed it as a subject of consideration to Mr. Adams whether the mission of Mr. Barclay to Algiers might answer any good purposes. He is of opinion that it could not. I have therefore informed Mr. Barclay, who by this time is probably in Spain, that he is at liberty to return to this place, to London, or America, as he shall think proper. You will perceive by the letter from Mr. Carmichael that it is the opinion of the Counts de Florida Blanca and d'Espilly that a treaty with the Ottoman Porte is necessary before one can be made with Algiers. Such a treaty will require presents, not, indeed, as the price of their peace, but such as are usually made in compliment to their Ministers. But as it would be ineffectual towards opening to us

the Mediterranean until a peace with Algiers can be obtained, there seems to be no reason for pressing it till there is a prospect of settlement with the Algerines.

Since the death of the King of Prussia the symptoms of war between the Porte and the Russians and Venitians have become stronger. I think it is the opinion of this Court, however, that there will be no war shortly on the continent. I judge this as well from other information as from the circumstance of a late reduction of their land force. All their military preparations seem to be against a naval war; nevertheless, their treaty with England has lately taken a sudden start, declarations have been exchanged between the negotiators in the nature of preliminaries to a definitive treaty. The particulars of these declarations are not yet certainly known.

I was asked by the Imperial Ambassador whether I had received an answer on the subject of his proposition to renew our powers to treat with his sovereign. A discrimination which they understand to have been made in America between the subjects of Powers having treaties with us and those having none, seems to be the motive of their pressing this matter.

It being known that M. de Calannes, the Minister of Finance for this country, is at his wits end how to raise supplies for the ensuing year, a proposition has been made him by a Dutch company to purchase the debt of the United States to this country for twenty millions of livres, in hand. His necessities dispose him to accede to the proposition; but a hesitation is produced by the apprehension that it might lessen our credit in Europe, and perhaps be disagreeable to Congress. I have been consulted hereon by the agent of that company. I informed him that I could not judge what effect it might have on our credit, and was not authorized either to approve or disapprove of the transaction. I have since reflected on this subject; if there be a danger that our payments may not be punctual, it might be better that the discontents which would thence arise should be transferred from a Court of whose good will we have so much need, to the breasts of a private company. But it has occurred to me that we might find occasion to do what would be grateful to this Court, and establish with them a confidence in our honor. I am informed that our credit in Holland is sound; might it not be possible, then, to borrow there the four and twenty millions due to this country, and thus pay them their whole debt at once? This would save

them from any loss on our account; nor is it liable to the objection of impropriety in creating new debts before we have more certain means of paying them; it is only transferring a debt from one creditor to another, and removing the causes of discontent to persons with whom they would do us less injury. Thinking that this matter is worthy of the attention of Congress, I will endeavor that the negotiation shall be retarded till it may be possible for me to know their decision, which, therefore, I will take the liberty of praying immediately.

You will have heard before this comes to hand, that the parties in the United Netherlands have come to an open rupture. How far it will proceed, cannot now be foreseen. I send you herewith the *Gazettes of France and Leyden* to this date.

I have the honor of being, &c.,

TH: JEFFERSON.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Morocco, July 16, 1786.

Gentlemen,

I wrote you on the 26th of last month, and expected to have followed my letter in a week, but several unforeseen matters have hitherto detained us; however, I expect we shall set out to-morrow or the day following. The 13th instant the treaty was sent to me by the Effendi, since which some important alterations have been made, which the villany and carelessness of the Talbe Houdrani (to whom the drawing was committed) made necessary; and yesterday it was again delivered from Tahar Fennish, to whose hands the King committed the arrangement of the matter. It still wants an additional article, or rather a declaration, which his Majesty has permitted to be made in his name, but which he desired might not make a part of the treaty. When this is done it will stand as I described it in my last letter, viz: there is only one article more I wish to see inserted, and that I think will never prove of any consequence.

When I send you the treaty, it will be necessary to accompany it with some remarks, with which I will not now trouble you; and the only one I shall make is, that the King, throughout the whole, has acted in a manner the most gracious and condescending; and I really

believe the Americans possess as much of his respect and regard as does any Christian nation whatever. If you should think my services at Algiers, Tunis, or Tripoli necessary, I hope your commands will meet me in the south of Spain, for after returning to Paris, it will be utterly impossible for me to engage further in the business. A peace with the Barbary Powers is absolutely essential to the commerce of our country, and I think a general one might be made, notwithstanding the impediments that appear. The Emperor has ordered five frigates on a cruise in the Atlantic ocean. He is now at peace with all the world except Russia, Malta, Hamburg, and Dantzic. A treaty with the first of these Powers was concluded on, and the articles drawn, but it was afterwards broken off. The Emperor complains much of the treatment he receives from England, and Mr. Duff, who came here sometime ago as Pro-Consul, returned the day before we arrived, highly offended at his reception, the Emperor having refused to receive the letter which Lord Sydney wrote, saying he would read no letters from England but such as were written by the King. I had a letter yesterday from Mr. Carmichael, and was in great hopes it would have covered one from you, but I am hitherto without the pleasure of hearing from you.

I am always, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Mogadore, July , 1786

Gentlemen,

I wrote you from Morocco under date of the 16th. As I do not know when that letter is likely to reach you, I trouble you now with a copy of it; and as I shall set out in a few days for Tangiers, I defer, until my arrival in Europe, being particular.

I am, gentlemen, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THOMAS JEFFERSON AND JOHN ADAMS.

Daralbeyda, August 11, 1786.

Gentlemen,

I arrived here to-day, and shall continue my journey to Tangiers early in the morning. The plague being at Constantine, occasions a rigorous quarantine of forty days (from Barbary) in Spain. I

shall, therefore, endeavor to get into Ceuta, which, being in the hands of the Spaniards, is an exception to the above remark, and I think the quarantine from thence is only twelve days.

The treaty shall be forwarded with all expedition as soon as I arrive in Europe, and, in the meantime, I am, gentlemen, &c.,

THOS. BARCLAY.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Alicant, August 10, 1786.

Finding myself unable to embark, and desiring to have my declaration forwarded as soon as possible, according to your Excellency's orders, I have sent the vessel to give the earliest notice. She sailed the 9th of this current, with every transaction, together with my last orders from your Excellency. The vessel is insured, and does not sail at public expense. I should be glad if I could hear if Mr. Randall had arrived and had delivered to your Excellency my declaration, which I forwarded by him. At the reception of your Excellency's last orders to me, I stated my situation in two letters, one of the 15th, and the other of the 18th July. I hope they have come safe to hand.

I am, &c.,

JOHN LAMB.

FROM JOHN ADAMS AND THOMAS JEFFERSON TO JOHN LAMB.

Sir,

We have received your two letters of the 15th and 18th July from Alicant, and are sorry to learn that your indisposition discourages you from travelling by land or by sea.

We still think it most advisable both for your own interest and that of the United States, that you should return to Congress for their further instructions as soon as possible, and we again propose to you to embark from Spain by the first opportunity.

Congress have never informed us of any promise made, or encouragement given you that you should be settled with in Europe, and we think it best you should settle with their Board of Treasury. Nevertheless, if you transmit to us your account, we will adjust it as

far as lies in us, subject to the revision of Congress. Your letter of credit we wish you to return to one of us by the first opportunity, as you will not have occasion to draw again by virtue of it.

Mr. Randall is gone to New York, and it is our wish that you might be there with him, that Congress might have an opportunity of receiving from both together as much information as possible, that you might mutually aid each other in settling your accounts.

We have the honor to be, &c.,

JOHN ADAMS,
TH: JEFFERSON.

EXTRACT OF A LETTER FROM WILLIAM CARMICHAEL TO THOMAS
JEFFERSON.

St. Ildefonso, August 17, 1786.

Sir,

I had the honor to transmit, on the 15th July, to your Excellency, a copy of a note to me from his Excellency the Count de Florida Blanca, dated 13th, enclosing extracts of a letter from the Spanish Consul General in Morocco, and one from the principal Minister of his M. M. relative to Mr. Barclay's negotiation. On the 11th instant I received a note from the Count de Florida Blanca, with a copy of the treaty in Spanish, which I forwarded to Mr. Jay, via France, by the last post. The Count of Florida Blanca having requested me to return the copy he sent me for my perusal, I had not time to make out a second for my own use, and as I perceived, by a letter which I lately sent you from Mr. Barclay, and which that gentleman left open for my perusal, that all but one article of his propositions had been accepted, I do not so much regret my want of time to transcribe a copy for you. I think it, however, proper to submit to your perusal the translation of a letter from his Moroccan Majesty to the Consul General of Spain, which proves the essential services that the interference of his Catholic Majesty hath rendered the United States on this occasion. It is as follows:

"Glory to God alone. There is no strength nor power but in
'God. (Seal.)

"To the Spanish Consul—For him who follows the true path.

"We have received thy letter, and read what thou hast written
'concerning the Americans. They have presented themselves

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‘bearing a letter from King Charles, for whose sake we have granted their requests, and signed the treaties which they offered, and we accepted. We herewith send thee copies of those treaties, in order that thou mayst lay them before the King of Spain. When thou art ready to come into our presence, give notice, in order that horses may be sent for thy accommodation. We salute thee. On the eleventh day of the moon Ramadan, in the year of the Hegira 1200’—(corresponding to the 8th July, 1786.)

Yesterday I received the enclosed letter from Mr. Barclay, which your Excellency will receive by a courier despatched from hence to the Count d’Aranda and the Chevalier del Campo. This messenger carries the ratification of the convention relative to the Mosquito shore, signed the 14th of July, by the latter and the Marquis of Camarthen. I have in my possession an extract of this convention; but as I presume Mr. Adams must have already furnished you with a copy of it, I forbear transmitting it. It has given great satisfaction here. The King manifested, in a particular manner, to the British Minister the pleasure the conclusion of this affair gave him. It seems to be the system of Great Britain to court Spain, and their Minister here is well qualified to execute their plans.

On the 14th of June a treaty was signed between Spain and Algiers. It is not, however, yet ratified, owing to the bad state of health of the Count of F. B. I have sent to Mr. Jay a copy of this treaty. I have such a firm reliance on the repeated promises of the Count de F. B. from the experience of this Minister’s punctuality and regard to his word, in all the transactions that I have had with him during my mission here, that I think I can safely assert that we may depend on the best offices of this Court, whenever it may be judged proper, to renew our overtures to Algiers.

The Republic of Genoa is doing what its limited finances will permit to protect its commerce. I am told that the King of Sardinia is doing the same. The Portuguese and Neapolitan Envoys have gone to Algiers. Their success is problematical. If I was informed of the obstacles attending our treaty with Portugal, I flatter myself that I might be of some utility. It is not improbable that the Portuguese Ambassador at this Court will be nominated Minister of State. I tell you beforehand that he is Anti-Gallican. I believe he is of a party opposed to the Chevalier Pinto.

I am assured, by *what ought to be good authority*, that the affairs of this Court and Naples are in a good train. This appears to want confirmation. I write freely and fully to you, and hope you will have the same confidence with respect to your Excellency's, &c.,
WM. CARMICHAEL.

EXTRACT OF A LETTER FROM WILLIAM CARMICHAEL TO THOMAS
JEFFERSON.

St. Ildefonso, September 4, 1786.

Sir,

Since I had the honor to inform your Excellency of the success of Mr. Barclay's mission, of which I was advised by his Excellency the Count de Florida Blanca, the treaty of this Court with Algiers has been ratified by his Catholic Majesty. This ratification was signed the 27th ultimo. The Count d'Espilly will set out for Algiers in a few weeks, with the presents given on this occasion to the Dey and the principal officers of the Regency. The ransom of the Spanish prisoners is left for a distinct negotiation. There are also some arrangements to be taken with the Bey of Mascara or Constantine that demands patience and money.

I am assured by the Counts de Florida Blanca and d'Espilly that, until we have a treaty with the Porte, it will answer no purpose to attempt a negotiation with Algiers.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, February 9, 1787.

Sir,

Since my last to you, of the 14th December, I have been honored with yours of the 26th September last, which, with the papers that it enclosed, had been laid before Congress, but neither on that nor any of your late letters have any orders as yet been made.

The annual election produces much delay in affairs. From that time to this scarcely anything has been done. It was not until last week that, seven States being represented, a President was elected. The choice fell on Major General St. Clair. They have much back business to despatch; several reports on important subjects from the

different departments are to be considered and decided upon. A form of government, so constructed, has inconveniences which, I think, will continue to operate against the public or national interest, until some cause, not easily predicted, shall produce such a modification of it, as that legislative, judicial, and executive business of Government may be consigned to three proper and distinct departments. The struggles for and against the impost remain, but promise little. The States in general pay little attention to requisitions, and I fear that our debts, foreign and domestic, will not soon be provided for in a manner satisfactory to our creditors. The evils to be expected from such delays are less difficult to be foreseen than obviated. Our Government wants energy, and there is reason to fear that too much has been expected from the virtue and good sense of the people.

You will receive, herewith enclosed, a letter from Congress to his most Christian Majesty, with a copy of it for your information. It is in answer to one received from him, and should have been of earlier date, had Congress sooner convened. Be pleased to explain this circumstance to the Minister.

The public papers herewith sent contain all we at present know respecting the troubles in Massachusetts. Whether they will soon be terminated, or what events they may yet produce, is perfectly uncertain; and the more so, as we are yet to ascertain whether and how far they may be encouraged by our neighbors.

I enclose a copy of a letter from Mr. Otto, formally contradicting the report of an exchange between France and Spain for the Floridas. That report had excited attention and given pleasure to Anti-Gallicans.

Our apprehensions of an Indian war still continue, for we are at a loss to determine whether the present continuance of peace is to be ascribed to the season or their pacific intentions.

We have not yet received the Morocco treaty. As soon as it arrives, I am persuaded that Congress will take the earliest opportunity of making their acknowledgments to the friendly Powers that promoted it. Mr. Lamb is still absent. He, doubtless, has received the order of Congress directing his return, either from you and Mr. Adams or directly from me.

Congress has not yet given any orders respecting further negotiations with the Barbary States; nor can I venture to say what their

sentiments will be on that head. I am equally at a loss to judge what they will direct respecting treaties of commerce with the Emperor and other European Powers. For my part, I think, and have recommended, that commissions and instructions should be sent to you and Mr. Adams for those purposes. In my opinion, such treaties, for short terms, might be advantageous. The time is not yet come for us to expect the best. The distance of that period will, however, depend much on ourselves.

With very sincere esteem and regard, &c., JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, October 23, 1786.

Sir,

In a letter of January 2d I had the honor of communicating to you the measures which had been pursued here for the improvement of the commerce between the United States and France. The general view of that commerce, which I had presented to the Count de Vergennes, the circumstance of the renewal of the farms, which had obliged me to press separately, and in the first place, the article of tobacco, and that which had also brought forward that of whale oil; and in my letters of May 27th and 31st I informed you of the result on the first of these articles. During the course of these proceedings a committee had been established for considering the means of promoting the general commerce with America, and the Marquis de la Fayette was named of that committee. His influence in obtaining that establishment was valuable, but his labors and his perseverance as a member of it became infinitely more so. Immediately after the committee of Berni, of which my letter of May 27th gave an account, we thought it expedient to bring the general subject of the American commerce before the committee; and as the members were much unacquainted with the nature and value of our commercial productions, the Marquis proposed that, in a letter to him as a member, I should give as particular details of them as I could, as a ground for that committee to proceed on. I did so in a letter, a copy of which I have now the honor to enclose. The committee were well disposed, and agreed to report not only the general measures which they thought expedient to be adopted, but

the form of the letter to be written by the Minister of France to me for the communication of these measures. I have received his letter this morning, and have now the honor to enclose it. I accompany it with the one proposed by the committee, of which you will perceive that it is almost a verbal copy; it furnishes a proof of the disposition of the King and his Ministers to produce a more intimate intercourse between the two nations. Indeed, I must say that, as far as I am able to see, the friendship of the people of this country towards us is cordial and general, and that it is a kind of security for the friendship of Ministers, who cannot in any country be uninfluenced by the voice of the people. To this we may add that it is their interest as well as ours to multiply the bands of friendship between us. As the regulations stated in the Minister's letter are immediately interesting to those concerned in our commerce, I send printed copies of it to the seaport towns of France. We may consider them as an ultimate settlement of the conditions of our commerce with this country, for though the consolidation of ship duties and the encouragements for the importation of rice are not finally decided, yet the letter contains a promise of them so soon as necessary facts shall be known. With a view to come at the facts relative to the two last objects, I had proposed, whenever I should receive the final decision now enclosed, to avail myself of the pause which that would produce in order to visit the seaport towns with which we trade chiefly, and to collect that kind of knowledge of our commerce, and of what may be further useful to it, which can only be gathered on the spot and suggested by one's own inspection; but the delay which has attended the obtaining the final determination has brought us to the entrance of winter, and will oblige me to postpone my journey to the spring. Besides the objects of public utility which induce me to make a tour of this kind, that of health will oblige me to pay more attention to exercise and change of air than I have hitherto done since my residence in Europe, and I am willing to hope that I may be permitted at times to absent myself from this place, taking occasions when there is nothing important on hand nor likely to arise.

The assistance of the Marquis de la Fayette in the whole of this business has been so earnest and so efficacious that I am in duty bound to place it under the eye of Congress as worthy of their notice. On this occasion their thanks, or such other notice as they

should think proper, would be grateful to him without doubt. He has richly deserved and will continue to deserve it, whenever occasions shall arise of rendering service to the United States. These occasions will continually occur, though the abolition of the monopoly of our tobaccos cannot be hoped under the present circumstances. Changes are possible which may open that hope again. However jealous, too, this country is of foreign intercourse with their colonies, that intercourse is too essential to us to be abandoned as desperate; at this moment, indeed, it cannot be proposed; but, by watching circumstances, occasion may arise hereafter, and I hope will arise. I know from experience what would in that case be the value of such an auxiliary.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO MARQUIS DE LA FAYETTE.

Paris, July 17, 1786.

Sir,

I have now the honor of enclosing to you an estimate of the exports and imports of the United States. Calculations of this kind cannot pretend to accuracy; where inattention and fraud combine to suppress their objects, approximation is all they can aim at. Neither care nor candor have been wanting on my part to bring them as near the truth as my skill and materials would enable me to do. I have availed myself of the best documents from the custom-houses which have been given to the public, and have been able to rectify these in many instances by information collected by myself on the spot in many of the States. Still remember, however, that I call them but approximations, and that they must present some errors as considerable as they were unavoidable.

Our commerce divides itself into European and West Indian. I have conformed my statement to this division.

On running over the catalogue of American imports, France will naturally mark out those articles with which she could supply us to advantage; and she may safely calculate that after a little time shall have enabled us to get rid of our present incumbrances, and of some remains of attachment to the particular forms of manufacture

to which we have been habituated, we shall take those articles which she can furnish on as good terms as other nations, to whatever extent she will enable us to pay for them. It is her interest, therefore, as well as ours, to multiply the means of payment. These must be found in the catalogue of our exports; and among these will be seen neither gold nor silver. We have no mines of either of these metals. Produce, therefore, is all we can offer. Some articles of our produce will be found very convenient to this country for her own consumption; others will be convenient as being more commerciable in her hands than those she will give in exchange for them. If there be any which she can neither consume nor dispose of by exchange, she will not buy them of us, and of course we shall not bring them to her. If American produce can be brought into the ports of France, the articles of exchange for it will be taken in those ports; and the only means of drawing it hither is to let the merchant see that he can dispose of it on better terms here than any where else. If the market price of this country does not, in itself, offer this superiority, it may be worthy of consideration whether it should be obtained by such abatement of duties, and even by such other encouragements as the importance of the article may justify. Should some loss attend this in the beginning, it can be discontinued when the trade shall be well established in this channel.

With respect to the West Indian commerce, I must apprise you that this estimate does not present its present face. No materials have enabled us to see how it stands since the war. We can only show what it was before that period. New regulations have changed our situation there much for the worse. This is most sensibly felt in the exports of fish and flour. The surplus of the former, which these regulations threw back on us, is forced to Europe, where, by increasing the quantity, it lessens the price. The surplus of the latter is sunk; and to what other objects this portion of industry is turned or turning, I am not able to discover. The imports, too, of sugar and coffee are thrown under great difficulties. These increase the price, and being articles of food for the poorer classes, (as you may be sensible on observing the quantities consumed,) a small increase of prices places them above the reach of this class, which, being numerous, must occasion a great diminution of consumption. It remains to see whether the American will endeavor to baffle these

new restrictions, in order to indulge his habits, or will adapt his habits to other objects which may furnish employment to the surplus of industry formerly occupied in raising that bread which no longer finds a vent in the West Indian market. If, instead of either of these measures he should resolve to come to Europe for coffee and sugar, he must lessen, equivalently, his consumption of some other European articles, in order to pay for his coffee and sugar—the bread with which he formerly paid for them in the West Indies not being demanded in the European market. In fact, the catalogue of imports offers several articles more dispensable than coffee or sugar. Of all these subjects the committee and yourself are the most competent judges. To you, therefore, I trust them, with every wish for their improvement.

I have the honor to be, &c.,

TH: JEFFERSON.

Estimate of the Exports of the United States of America.

	To Europe.	W. Indies.	Total.
	<i>Louis.</i>	<i>Louis.</i>	<i>Louis.</i>
Fish.....	107,000	50,000	157,000
Fish oil.....	181,668	9,562	191,250
Fish bones.....	8,400	-	8,400
Salted meats.....	-	131,500	131,500
Live-stock.....	-	99,000	99,000
Butter, cheese.....	-	18,000	18,000
Flour, bread, 660,000 barrels.....	330,000	330,000	660,000
Wheat, 2,210,000 bushels.....	331,000	-	331,000
Indian corn, pulse.....	30,000	61,000	91,000
Rice, 130,000 barrels.....	189,350	70,650	260,000
Indigo.....	51,700	-	51,700
Tobacco, 87,000 hogsheads.....	1,305,000	-	1,305,000
Potash, 20,000 barrels.....	49,000	-	49,000
Peltry.....	184,900	-	184,900
Flaxseed.....	79,500	-	79,500
Hemp.....	21,000	-	21,000
Iron, copper.....	84,000	6,000	90,000
Turpentine, &c., 60,000 barrels.....	29,410	1,840	31,250
Timber, lumber.....	82,000	164,000	246,000
Ships, 300.....	216,500	-	216,500
Miscellanies.....	22,000	-	22,000
	<u>3,302,448</u>	<u>941,552</u>	<u>4,244,000</u>

Estimate of the Imports from Europe and Africa of the United States of America.

Woolen cloths of every description, linens of every description, hosiery, hats, gloves, shoes, boots, saddlery, and other things of leather, silks, gold and silver lace, jewelry, millinery, toys, East India goods, porcelain, glass, earthen-ware, silver, copper, brass, tin, pewter, lead, steel, iron in every form, upholstery, cabinet work, painter's colors, cheese, pickles, confitures, chocolate, wine, 2,000 tons a 100 louis—200,000 louis, brandy, beer, medicinal drugs, snuff, beeswax, books, stationery, mill-stones, grind-stones, marble, sail-cloth, cordage, ship chandlery, fishing-tackle, ivory, ebony, barwood, dyewood, staves, salt, 521,225 bushels, at 34 sous, 26,061 louis, 6 liv. 3,039,000 0 0

From the West Indies.

	Louis. liv. s.		
Salt, 500,484 bushels, at 24 sous.....	25,024	4	16
Fruits.....	2,239	12	0
Cocon, 576,589 lbs., at 12 sous.....	25,798	12	0
Coffee, 408,400 lbs., at 16 sous.....	15,249	14	8
Sugar, 10,232,432 lbs.....	168,007	0	0
Molasses, 3,645,464 gallons, at 24 sous.....	186,281	19	4
Rum, 3,888,370 gallons, at 2 liv. 14 s.....	437,441	15	0
Ginger, pimento.....	1,395	1	4
Cotton, 356,591 lbs., at 24 sous.....	17,829	13	4
Skins.....	7,870	6	0
Indigo, 4,352 lbs., at 5 liv. 8 sous.....	979	4	16
Ivory, turtle-shell.....	247	4	16
Lignum vitæ, sarsaparilla, fustic, annetas.....	5,170	0	0
Logwood.....	13,624	21	0
Mahogany.....	23,280	0	0
	<u>3,966,438 8 8</u>		

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, October 27, 1786.

Sir,

By a confidential opportunity to London, I had the honor of writing to you on the 23d instant, and of enclosing you the original letter of Monsieur de Calonne to me on the subject of our commerce. As it is probable, however, that the French packet, which is to sail from L'Orient the first of the next month, will sooner reach you, I enclose some printed copies of the same letter by that conveyance, and have the honor to be, &c.,

TH: JEFFERSON.

FROM M. DE CALONNE TO THOMAS JEFFERSON.

Translation.

Fontainebleau, October 22, 1786.

Sir,

As it is the intention of the King to favor as much as possible the commerce of the United States, I have the honor to communicate to you the measures that have been taken on this subject.

In my letter of the 9th January, 1784, to the Marquis de la Fayette, I informed him that instead of two free ports, promised by the treaty with the United States, the King had determined to grant them four, which has been done; and I promised him that I would direct my attention to the custom-houses and duties which are prejudicial to commerce, observing, however, that this object demanded long investigations, which are not yet completed. By another letter I informed him that his Majesty had suppressed the duties upon the exportation of brandy, and I expected this suppression would be useful to the American commerce. I likewise promised him that the duties to the King and Admiralty, payable by an American vessel on her arrival in a French port, should be diminished and reduced to a single duty, and regulated according to the number of masts and draft of water, and not by the uncertain estimations of measurement. This reduction requires a perfect knowledge of all the duties paid in our ports, and, as they are of various kinds, the statements which I have ordered to be made are not ready.

You know, sir, that the King has appointed a committee for the particular purpose of examining our commercial connexions with the United States, and that the Marquis de la Fayette has presented a project conformable to the ideas contained in your letter to the Count de Vergennes; but you will consider how imprudent it would be to hazard by a change of system the product of a branch of revenue, which amounts to 28,000,000 upon an article, which is not of the first necessity. After a long discussion of every means that can be at present adapted to encourage the importations of American tobacco, it has been resolved not to break the agreement with Mr. Morris; but that after the expiration of this contract, no similar one

shall be made, and that in the meanwhile the Farmers General should be obliged to purchase annually about fifteen thousand hogsheads of American tobacco, imported directly from the United States, in French or American vessels, at the same price or on the same conditions which have been stipulated by the contract with Mr. Morris.

You will remember, sir, that before a regulation could be made in favor of the importation of whale oil, the Marquis de la Fayette had taken a particular arrangement with Mr. Sangrain, for the sale of this article to the amount of 800,000 livres, and that I had granted him passports, in order to render this first importation free from all duties whatsoever. The same Mr. Sangrain afterwards made an agreement with some merchants of Boston to the yearly amount of 400,000 livres, to last during six years, for which his Majesty has granted the same favors which are enjoyed by the Hanse-Towns.

This matter having been lately more extensively examined, the administration to whom the committee communicated their wish, agreeable to the Marquis de la Fayette's demand, with your opinion entirely to abolish all duties upon oil, have found that at present they could not consent to it, on account of the engagements with other Powers. All that could be done was to grant during ten years to the whale oil, spermaceti, and whatever is comprehended within the denomination, imported from the United States in French or American vessels, the same favors, the same diminution of duties which the Hanse-Towns enjoy.

His Majesty hopes that the commercial connexion between the United States and France will become so considerable as to engage him to continue the effect of this provisional determination, and it has been observed by the committee, that a great duty of fabrication has hitherto been paid upon the most favored whale oil, and even upon the national. His Majesty consents to abolish the duty of fabrication, with respect to the whale and spermaceti directly imported from the United States, in French or American bottoms, so that this oil and spermaceti shall not pay during ten years any other duty but 7 *liv. 10 d.* and 10 *sols* per livre, this last augmentation of 10 *sols* per livre shall cease in 1790.

It has also been determined that particular information be taken concerning the consumption of Carolina rice in France, and that means be derived to encourage the importation of this article.

Representations having been made concerning the considerable duties laid upon the importations of potash and pearlash, also upon beaver skins and hair and raw leather, his Majesty has suppressed all duties whatsoever upon those articles, if imported of the growth of the United States in French or American vessels. He is likewise desirous of encouraging every article of American fur. His Majesty has moreover consented to abolish all duties upon masts, yards, keels for ships, red cedar, live-oak, and, in a word, all kinds of wood fit for ship-building, imported from the United States in French or American vessels.

The committee having likewise represented that there was a duty of five per cent. on the purchase of foreign-built ships, and that this duty was prejudicial to the sale of American vessels, his Majesty has been pleased to exempt from all duties the purchase of ships which shall be proved to be built in the United States.

Great duties having been formerly laid upon all shrubs, trees, and seed, his Majesty has abolished these duties, when the above articles shall be imported in French or American vessels.

It having been represented that the State of Virginia had ordered the arms for her militia to be made in France, an order is passed that the prohibitions which hitherto have prevented the exportations of arms and gunpowder, as well as the duties laid upon these articles when exported by permission, shall be abolished; and that whenever the United States shall think it expedient to export from France, arms, guns, and gunpowder, they shall have full permission, provided these articles are exported in French or American vessels, and they shall be liable only to a very small duty, in order to facilitate the calculation of exports.

Lastly, his Majesty has received, with the same favor, the applications made to the committee for the suppression of the heavy duties actually paid upon books and papers of all kinds. The King abolishes all those duties, when the above articles shall be exported to the United States in French or American vessels.

It is with great pleasure, sir, that I inform you of these dispositions of his Majesty. They are a new testimony of his great desire to establish the most intimate commercial connexion between the two nations, and of the favorable attention he will always pay to any proposal made in the name of the United States of America.

I have the honor to be, &c.,

DE CALONNE.

Your nation will undoubtedly receive with pleasure the information of the facilities which the King has just granted to exportations of the wines of Bordeaux, Guyenne, and Touraine, and the suppression of the duties granted by different *arrêts* of Council, of which the Marquis de la Fayette will give you notice.

Translation.

Arrêt of the King's Council of State, exempting from the duty of transit all the Wines which shall arrive in the Ports of the Seneschal's jurisdiction of Bordeaux for embarkation.

September 10, 1786.

Extract from the Register of the Council of State.

The King being informed that the abundance of several successive crops has occasioned a considerable overstock of wines in Guyenne, and that the greater part of the productions of 1783, 1784, and 1785 remains unsold, his Majesty has thought fit to assist his province of Guyenne by favoring the exportation of its wines, with a moderation of duties imposed on their exportations from the ports of this province. For which purpose, being anxious to provide, having heard the report of the Sieur de Calonne, Counsellor in ordinary to the Royal Council, Comptroller General of the Finances, the King being present in his Council, has ordered, and orders as follows :

ARTICLE I. Reckoning from the day of the publication of the present *arrêt* until the 1st of January, 1788, all the wines which shall arrive in the ports of the Seneschal's jurisdiction of Bordeaux for embarkation, shall enjoy, from the place of their production unto said ports, an exemption in transit from all duties of export.

ARTICLE II. The said wines shall also enjoy a privilege of deposit in said ports, free from duties of import in the Seneschal's jurisdiction, and there during the term granted to the present *arrêt* ; but after said term the wines which shall not have been embarked shall be subject to said duties.

ARTICLE III. The duties of export from the Seneschal's jurisdiction on said wines, and also on those of said jurisdiction, shall be, and are, reduced during the said term, viz : to two livres per ton

for those going to foreign, three livres per ton for those going any where else, and this not comprehending the accessory duties.

Done in the King's Council of State, his Majesty being present, held at Versailles 10th September, 1786.

GRAVIER DE VERGENNES.

Translation.

Arrêt of the King's Council of State, reducing the duties of the Wines of Aunis, which are exported to foreign parts.

May 27, 1786.

On the representation made to the King in Council, by the proprietors of vineyards in the country of Aunis, that the different duties to which their wines were subject on exportation out of the Kingdom, were, by the additional sous per livre, rated so high as not to admit of exportation; from whence a sensible diminution would result in the cultivation of vines, which constitutes the chief riches of this province; and his Majesty having ordered an account of the duties laid on the wines to be laid before him, as well on their consumption in the country as when exported to foreigners, and perceiving that in this last case they are subject to infinitely greater duties than when consumed in the country, he has judged proper to rectify this error, and favorably to receive the representations which the proprietors of the vineyards in the country of Aunis have made to him, for which purpose being anxious to provide, having heard the report of Sieur de Calonne, counsellor in ordinary to the Royal Council, Comptroller General of the Finances, the King being in his council, has ordered, and does order, that, reckoning from the 1st October next, until it shall be otherwise ordered, the wines that shall be carried from different parts of the province of Aunis, for foreign exportation, shall only be subject to the payment of a duty of eight livres per ton and ten sous per livre; and, in addition to said duty, his Majesty orders that the half of the product of said duty shall be collected for the benefit of the Lessee General of the Farms, in lieu of the duties of exportation of the tariff of 1664, of the double subsidy and right of gauging and brokerage, and that the other half shall be collected for the benefit of the Administrator General of the

Aids, in lieu of the rights of brokers, gaugers, inspectors of liquors, old and new, five sous where they may be due, and in general for all duties whatsoever from the place of growth until exportation from the kingdom.

The proprietors being obliged to make declaration at the nearest offices to the place of growth, and to take, as well from persons employed in the department of the Farmers General as those of the general administration, every necessary warrant to assure the destination of said wine to a foreigner.

Done in the King's Council of State, his Majesty being present, held at Versailles the 27th May, 1786.

DE BRETEUIL.

Translation.

Arrêt of the King's Council of State, suspending the execution of those of the 10th and 22d May, 1723; also the 5th article of the Ordinance of 1687: and ordering that the exemption granted by the letters patent of the month of April, 1717, and by the 4th article of said Ordinance of 1687, shall take place in favor of the provinces of the Loire, until it shall be otherwise ordered.

November 11, 1785.

Extract from the Register of the Council of State.

The King being informed of the memorials presented by the Mayor, Sheriffs, and citizens of the province of Touraine, Blaisois, Orleans, Saumurois, and Anjou, requesting on the one part the revocation of an *arrêt* made by the Council and issued thereupon with letters patent dated 10th and 22d May, 1723, by which his Majesty had ordered that the wines of Anjou and other provinces of the Loire, although declared for the French islands and colonies, should pay the ordinary duties of exportation, notwithstanding the declaration of the 3d article of the letters patent of the month of April 17, 1717, had granted them an exemption; and, on the other part, that his Majesty would also be pleased to revoke the order of the 5th article of the ordinance of the Farms of the month of February, 1687, as far as the said article has excepted the wines of Anjou, Maine, Thouars, and of the Châtellenie of Chantoceaux,

when they should pass into Brittany destined for places situated within the extent of the Farms, from the exemption of the duties of export and import granted by the 4th article of the same ordinance to all sorts of merchandize, going out of the bounds of the Farms, to enter therein again either by land or sea, taking security only from the merchants: His Majesty has acknowledged that this article of the ordinance of the month of February, 1687, has deprived the provinces of the Loire of the exemption of *transit* granted by the 4th article of the same ordinance to all the other provinces, only the fear of a fraudulent diversion to Brittany, by which means the wines of the Loire might be consumed there without paying the duties of the tariff of 1664.

That the *arrêt* of the 10th May, 1723, has likewise deprived the same provinces of the Loire of the exemption granted to all the rest of the kingdom by the letters patent of 1787 for the merchandizes destined for the colonies only on account of the same fraud practised by the merchants who sold the wines of the Loire at Nantes without having paid the duties of importation, and substituted there the wines of the growth of the province of Brittany; and, moreover, because it was considered as certain that the wines of the Loire did not suit the colonies, and could not bear exportation.

His Majesty being informed that either the quality of a part of the wines of the Loire has become materially better, or that the fabrication has been improved, it is certain that they are sent at present to the colonies with success, and even to the East Indies, where they arrive in good order, and having found the means proposed to prevent frauds sufficient, by adding to the formalities already established, as well by the letters patent of 1717 as by the *arrêt* of 6th May, 1738, new precautions capable of preventing fraud, and a substitution of one kind of wine for another, his Majesty has considered it as belonging to his justice as well as bounty not to leave any longer several provinces in his kingdom under an interdiction founded only on the fear of an abuse, which is foreign to them; and being convinced that the inhabitants of Touraine, Saumurois, Orleans, Blaisois, Anjou, should be admitted to participate in the exemption which the other provinces of his kingdom enjoy, the encouragement which will result therefrom to cultivate the vine in these provinces would soon become a new source of riches to the State, which would amply compensate for the sacrifice of the duties,

which would no longer be collected ; and notwithstanding every time that this matter has been discussed the States of his province of Brittany have testified their apprehensions that the reëstablishment of a liberty so desirable for the whole country traversed by the Loire, would be of considerable injury to their farms of duty, and that it appears just that they should be heard on the new plan of precautions adopted by his Majesty, he has thought proper to ordain that the execution thereof shall only be for the present, as an essay, and provisionally, reserving to himself to pronounce definitively thereon after the intermedial commission of the States shall have laid before him the observations they may see fit to make on this subject ; it being his intention that this commission attend to this matter without delay, and send their observations immediately :

To which end, being anxious to provide, having seen the request of the Mayor, Sheriffs of the city of Tours, and the municipal officers of the towns of Anjers, Blois, and Saumur, together with the memorial of the Farmers General, the advice of the Deputies of Trade, and likewise the opinion of the Intendant and Commissary for the department of the generality of Tours, the memorial of the Farmers of the Duties, together with the letters of the Deputies of the province of Brittany : Having also considered the ordinance of the Farms of the month of February, 1687, the letters patent of the month of April, 1717, and those of 22d May, 1723 ; having heard the report of the Sieur Calonne, Counsellor in Ordinary to the Royal Council, Comptroller General of the Finance, the King *being in his Council* has ordered, and does order, as follows :

ARTICLE I. Reckoning from the 1st December next, and until it shall be otherwise ordered, the execution of the fifth article of the first title of the ordinance of the month of February, 1687, shall be suspended and without effect. In consequence of which the wines of the growth of the provinces of Touraine, Blaisois, Orleans, Saumurais, Anjou, and others of the five large Farms, which shall be transported from the said provinces into those of Picardy, Normandy, and others subject to the tariff of 1664, on their way to Brittany, shall enjoy an exemption from the duties of export and import of the said tariff of 1664, and from all local duties, upon taking cautionary discharges conformable to the regulations of the fourth article of the said ordinance of the month of February, 1687, and other precautions which shall be hereafter ordained.

ARTICLE II. Reckoning from the same to December next, and also until it shall be otherwise ordered, the *arrêt* and letters patent of 10th and 22d May, 1723, shall be deemed as though they had never taken place, and consequently the wines of the growth of said provinces destined for transportation to the French Islands and colonies, or for victualling the vessels bound to said colonies, and which shall be transported there on their way to Brittany, shall enjoy an exemption from the duties of export of the tariff of 1664, and from all local duties, excepting the duties of supply, and of those which make a part of the *régie des aides*, or the administration of the King's *demesnes*, conformable to the dispositions of the third and fourth articles of the letters patent of the month of April, 1717.

ARTICLE III. The merchants and others who would enjoy the benefit of the exemptions announced in the foregoing first and second articles shall be obliged to observe the formalities prescribed as well by the sixth, seventh, eighth, and ninth articles of the letters patent of the month of April, 1717, as by the *arrêt* of the 6th May, 1738, the tenor of which follows.

Formalities to be observed in the transportation of wines.

ARTICLE VI. of the letters patent of 1717. The merchants, traders, and waggoners shall be bound to declare at the office of the place where they take up the wine, if there is one, if not, at the nearest office, the quantities and quality of the wines they wish to despatch, and the place of their destination, and to take at the said office a permit, giving bond to report in three months, a certificate of unloading said wines at the warehouse at the place of deposit, or of their being embarked in the port for which they shall have been declared.

Formalities to be observed on the road.

ARTICLE VII. of said letters patent. The said merchants and waggoners shall, moreover, be bound to represent and show the permit to the custom-house officers who shall be found on this road, to permit such visits and verifications which the said officers would make, who shall be bound to make them without any delay or expense; and, in case of fraud, the merchandize shall be confiscated, and the offenders mulcted in a fine of five hundred livres.

Formalities to be observed at the place of deposit.

Arrêt of May 6th, 1738. The traders and merchants shall be bound to declare to the clerk of the Farms the warehouses in which

they intend to store the said wines, to give their bond to shew them in the same quantity and quality every time they shall be required to do so, without being able to take them out of said warehouses, or transport them from one warehouse to another, until after declaration and with leave; to admit of the visits and reverification of the clerks of the Farms as often and whenever they shall judge fit, under penalty, on part of the merchants, in case of drawing of the whole or part of said wines, of confiscation of the value of what shall be wanting, and a fine of five hundred livres, and in case of simply removing from one warehouse to another without declaration, to forfeit the privileges of the place of deposit, and be subject to the payment of all duties.

Formalities to be observed at the time of embarkation.

Article 8th and 9th of the letters patent of 1717.

The said merchants and waggoners shall be bound to see that their wines be visited before they take them away from the place of deposit by the clerk of the Farms, and not to put them on board any vessel but in presence of said clerk; to give their bond at the office of the Farms of the place of embarkation; to report, within a year at furthest, for the wines destined for the colonies, a certificate of their being landed in the French islands or colonies, which certificate shall be written on the back of the permit, and signed by the Governor and Intendant, or by the commandants and commissaries subdelegated in those quarters, and by the clerk of the Farms of the demesnes in the west, under penalty of paying four times the amount of the duties.

ARTICLE IV. His Majesty moreover orders that the merchants and waggoners be bound, on entering into Brittany, to make declaration to the inspectors of the Farmers of the duties of the quantity and quality of the wine which shall be brought there, as also to receive on board the boats that shall transport them two clerks appointed by the said Farmers, who are expressly enjoined, under penalty of severe punishment, to accompany the said wines as far as the place of their deposit, to observe that they be not drawn off, nor from one cask to another, and for this purpose to use every necessary measure until the casks are arrived at said place of deposit; and the said casks shall not be removed from said deposit without being accompanied by the same clerk of said Farmers, who shall be present at their embarkation; for which purpose the merchants and waggoners

shall be bound to take a permit for embarkation, both from the Farmers of the duties and the chief of the Farmers General.

ARTICLE V. His Majesty orders that the said wines shall only be deposited in the ports of Nantes and Painbeuf; and that in case of drawing off or substitution in the road or at the place of deposit, upon verbal declaration being made thereof, and duly affirmed to, either by the clerk of the chief of the Farmers General or by those of the Farmers of the duties, the confiscation of the wines and boats shall be pronounced, as well on the proprietors of the wine as the masters or conductors of the boats, with a fine of five hundred livres.

ARTICLE VI. His Majesty reserves to himself the power of prescribing such other formalities as shall be judged necessary for the preservation of the Farm of the duties belonging to the province of Brittany, after the observations which the intermedial commission of the States of the said province shall address to the Comptroller General of the Finances, on the contents of the present decree, within the space of three months from the date of the publication. His Majesty enjoins the Intendants and Commissaries to assist in carrying the present *arrêt* into execution, which shall be printed, published, and fixed up wherever it shall be necessary, and the necessary letters patent shall be made out concerning it.

Done in the King's Council of State, his Majesty being there present, held at Fontainebleau, 11th November, 1785.

THE BARON DE BRETEUIL.

END OF VOLUME I.



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